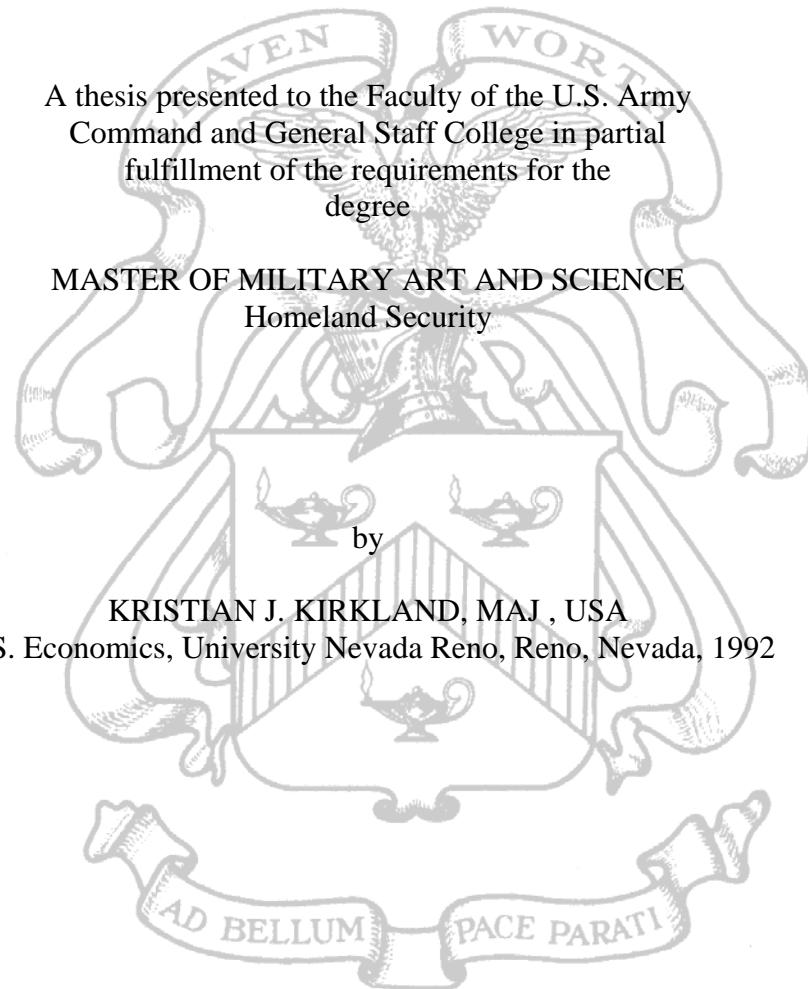


THE ARMY NATIONAL GUARD; OPERATIONAL RESERVE OR HOMELAND
SECURITY FORCE?



A thesis presented to the Faculty of the U.S. Army
Command and General Staff College in partial
fulfillment of the requirements for the
degree

MASTER OF MILITARY ART AND SCIENCE
Homeland Security

by

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ABSTRACT

THE ARMY NATIONAL GUARD; OPERATIONAL RESERVE OR HOMELAND SECURITY FORCE? By Major Kris J Kirkland, 109 pages.

One of the most profound evolutions of the National Guard occurred following the release of the 2006 Quadrennial Defense Review. It redefined the role of the National Guard from a strategic reserve to an operational reserve. This leadership decision dramatically increased the responsibility of the NG. NG personnel and equipment have rapidly become exhausted and unserviceable. Units are forced to cross level equipment and personnel to fill shortages in support of deployed units. The net effect of this increased responsibility may have a deleterious effect on the overall national security of the United States. An organization constitutionally established as the primary homeland security force must have the operational reserve role clearly defined. Conversely, what military organization executes the role of strategic reserve in the Guard's absence? The question is not if the NG can support an operational role, but what are the sacrifices to homeland security? The military and political leadership must be willing to consider reduced deployment times, enforcement of the ARFORGEN process, continued aggressive recruiting, retention campaigns, and focusing federal and state authorities toward increased civic involvement for homeland security. This is an enormous financial undertaking especially in times of economic crisis. It is however, a critical issue requiring the focused attention of the military, the political leadership and citizenry of the United States in order to provide the best alternative for securing the borders of our nation and our way of life from the potential threats in the 21st Century.

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ACRONYMS

AD	Active Duty
ARFORGEN	Army Force Generation
ARNG	Army National Guard of the United States
AGAUS	Adjutant General Association of the United States
ANG	Air National Guard
AUSA	Association of the United States Army
BRAC	base realignment and closure
CAARNG	California Army National Guard
CST	Civil Support Team
CONUS	Continental United States
DoD	Department of Defense
EPA	Environmental Protection Agency
GWOT	Global War On Terror
NGAUS	National Guard Association of the United States
NGB	National Guard Bureau
NMS	National Military Strategy
NDA	National Defense Act
OCONUS	Outside the Continental United States
OPTEMPO	Operations Tempo
OJS	Operation Jump Start
OR	Operational Readiness
ORC	Organized Reserve Corps
PERSTEMPO	Personnel Tempo

RMA Revolution in Military Affairs
SGAUS State Guard Association of the United States
USAR United States Army Reserve

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CHAPTER 1

INTRODUCTION

The topic for my thesis is the National Guard's role in domestic homeland security and its other mission to perform as an operational reserve for the US Army. My intent in chapter one is to give a brief introduction and background on the subject, define my research questions, establish assumptions, describe limitations and delimitations and examine its significance. What is Homeland Security and Homeland Defense? These two terms are often times interchanged without regard to their distinct meaning related to the application of military power by the National Guard. It is important for the reader to understand that distinction in order to appreciate the impact of redefining the role of the Guard as an operational reserve.

Homeland Security is defined in the July 2002 National Strategy for Homeland Security as. "...A concerted national effort to prevent terrorist attacks within the United States, to reduce America's vulnerability to terrorism, and minimize the damage and recover from attacks that do occur."¹ The strategy is implemented through six critical areas; intelligence and warning, border and transportation security, domestic counterterrorism, protection of critical infrastructure and key assets, defending against catastrophic threats and emergency preparedness and response. Conversely, Homeland Defense is defined as, "the military protection of United States territory, domestic population, and critical defense infrastructure against external threats and aggression. It also includes routine, steady state activities designed to deter aggressors and to prepare

U.S. military forces for action if deterrence fails.”² For the purposes of this paper the term homeland security is synonymous with domestic state missions.

Background

One only has to review the volumes of literature that scrutinize the Guard’s development, capabilities, and contributions to national security to see its importance in both homeland security and homeland defense. Since the British colonists’ first militia muster at the Village Green in Salem, Massachusetts on December 13, 1636, the National Guard (NG) has contributed to domestic homeland security. Later, the new nation’s Founding Fathers saw fit to establish a militia that provided for the common defense and reduce the need for a standing army. Given the repressive actions by the British Monarchy through its army, it is understandable that a fear of standing armies existed in early America. However, the nation needed not only a militia capable of responding to threats against remote settlements, but a force able to protect a fledgling nation’s untamed border and extensive coastline as well.

Throughout the nation’s history, the Guard has experienced political and military triumphs and defeats in its progression toward a capable and professional military establishment. One long-standing impediment to the NG full integration with the Army resulted from less than stellar performance of units, officers and soldiers throughout its early years. Self-fulfilling prophesies caused by leadership’s lack of confidence in the NG’s ability may have contributed to years of poor performance. President Washington referred to the militia with disdain yet he understood its importance and in 1792 signed the first Militia Act into law.

Prior to the Militia Act, the Constitution established that the militia missions were to repel invasion, suppress insurrection and enforce the laws of the land. The Militia Act of 1792 allowed the President to call out the militia for a maximum of three months per year and standardize it throughout the US. The problem was that Congress added, “if the same be convenient.”³ This meant that if the militias of two separate states were not “interchangeable” they could not be combined into an effective federal force. In 1795, again in 1814 and 1820, Congress amended the act in an attempt to structure the militias for integration with Active Duty (AD) forces. However, this in turn changed again in the face of the State’s political pressure to “allow individual militias to pursue their own interests.”⁴ Therefore, as the pressure to integrate with the AD forces grew, the states used the Militia Act to limit their forces to border security missions, riots and disaster relief and those restrictions remained in place for many years to come. The limiting factors as described by the Constitution are ones in which the framers attempted to differentiate between federalism and states’ rights as a form of checks and balances. Yet the Constitutional role of the militia underwent significant challenges throughout the early 19th Century.

In the period between the Revolutionary War and the War of 1812 increasing Indian discontent with the westward expansion created the need for mobilization of both Regular Army and militia forces. These peacetime mobilizations were in response to a perceived domestic security issue and an example of employment of the militia within the constraints of its constitutional mandate. Following the defeat of the Indians at

Tippecanoe in 1811 and restoration of peace in the west, the federal and militia forces mobilized the following year for war.

The War of 1812 illuminated contradictory accounts of the fledgling militia's performance. In 1814, at the Hartford Convention, New England leaders believed that the British seizure of US ships and sailors did not constitute an invasion and thus refused to allow their militia to support the war. Also during the conflict, Regular Army (RA) officers displayed disdain for the militia forces and their apparent lack of discipline, training and courage. "In the eyes of the fledgling U.S. Army, the victory of the Regulars at Chippewa-rather than the triumph of Jackson's militiamen at New Orleans-foreshadowed the future direction of defense planning."⁵ Even though the war had officially ended with the signing of the Treaty of Ghent two months before the battle of New Orleans, when led by competent and aggressive volunteer leaders, as Jackson did, the militia was crucial to the war's victory.

Following the victory over the British there were two important events that affected the militia development throughout the 19th Century. In 1826, Secretary of War James Barbour convened what was known as the Barbour Board. It conducted an analysis of the militia's strengths and weaknesses. The Board found that there were more men available for militia duty than the state governments had neither the time nor funding to train and equip. Board recommendations included limiting the total number of militia members to 400,000, establishing a national Adjutant General position to oversee the militia, standardized training and paid training events for its officers.⁶

In 1840, a reform initiative following the Barbour Board called for establishing a classification by age and paying all militiamen for annual training. Congress was not convinced of the need for reforms. Further, the cost was too great to pay all the states for militia annual training. Thus began the end of the mandatory militia and the rise of the volunteer militia that would serve in great numbers throughout the Civil War.

In the post Civil War era senior military officers continued to look upon militia forces with disdain and the underlying intent of the active duty leadership was not to utilize it. Yet, with a pre war strength of 16,000 the regular army was bolstered by federal volunteers and militia. However, significant demobilizations followed the Civil War, from a high of 3,000,000 to a low of 27,038 in 1896.⁷ This resulted in a reliance on the militia for the final Indian pacification campaign and evolving domestic disturbances. States also employed their militias in response to the widespread Railway Strike of 1877. Throughout the central and eastern US, railway workers and often times, individuals with little or no connection to the railroads, joined in the strikes. The militias continued a period of executing orders from state leaders.

As part of the Compromise of 1877, in 1878 lawmakers passed the Posse Comitatus Act with the intent to prevent the federal military forces, as they had during southern reconstruction of the US, from executing law enforcement duties. It states,

From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States, as a posse comitatus, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress⁸

However, the militia was, and today's NG is, exempt from this restriction while under the state control of the Governor. This is an important distinction since it allows the NG to perform duties as outlined by the Constitution while under Title 32 status not federalized under Title 10. The Posse Comitatus Act introduced significant changes for the regular army prohibiting it from policing actions and continued reliance on the militia for the same.

The Constitution restricted the use of the militia during the Spanish-American War, but did not exclude the militia's involvement. On April 25, 1898 following Spain's declaration of war against the US, Congress returned in kind by stating, "a state of war had existed between the United States and Spain since April 21."⁹ Following this declaration, the militia participated in the war as volunteer federalized soldiers. A federal army officer reviewed unit and personnel readiness and then administered a federal oath. Federal volunteers then mustered out and returned to their militia units following the cessation of hostilities. Policy makers understood at the time the need for a change to the Militia Act.

The 1903 Dick Act and subsequent 1908 amendment replaced the one hundred and eleven year old Militia Act. The act was legislated in response to the poor state of the US Army following the Spanish-American war and the nation's new position as a world industrial and military power. The Dick Act established a federal reserve and a place for the NG in domestic homeland security; it was also ultimately responsible for creating the National Guard Bureau. The act required standardization of uniforms, equipment and regulations ending differences between the federal army and NG. An

important development in that relationship was the Act's alignment of the AD forces and the Guard following the Spanish-American War. The act and amendment initiated years of evolutionary change within the NG.

In 1907, Nevada Governor John Sparks requested federal forces to suppress the looming miners' strike in the remote city of Goldfield. The strike in Goldfield illuminated problems of a state without an organized National Guard. The governor was forced to request federal troops from President Theodore Roosevelt without attempting to raise either a civil constabulary or National Guard. "Roosevelt, having reached the limits of his patience, censured Nevada officials for their apparent stalling."¹⁰ In the end the President allowed the federal troops to remain until the Nevada legislature was able to raise and equip a state force. The federal forces remained and never intervened actively in the strike. Consequently, "Only after substantial cajoling and large-scale troop deployments were federal officials both able to quiet the disorders and to convince state officials of the importance of re-creating a National Guard force capable of quelling future disturbances."¹¹

States realized the responsibility for enforcement of laws by the state police or organized NG. Thus, the mining strikes of the early 20th century indicated the need for further change. Clearly, the evolution of the NG during the early to middle 20th century redefined its Constitutional limits.

Another watershed moment in history for the National Guard was the enactment of the National Defense Act (NDA) of 1916. This legislation established the National Guard from each state militia, changed their name to "National Guard" and recognized

them as part of the Army's reserve and federal military establishment of the United States in times of war or insurrection. However, the Guard's relevance and implementation by elected and military leaders continued to follow a course, which appeared to lack forethought and planning. The Guard after World War I, in which it had a major role, and performed well, was still subject to open ridicule at the hands of the regular army. Of the 17 numbered NG divisions in World War I, the 26th Infantry Division (Massachusetts NG) was the only one commanded by a NG general officer, Major General Clarence Edwards. At a National Guard Association of the United States (NGAUS) meeting in 1918, regular army officer, Brigadier General John S. Heavy stated to the members, "not to claim too much credit for the victory in Europe."¹² The leaders at the time potentially misunderstood the implications and impact their actions would have in years to come.

The NDA of 1920 specifically questioned whether or not selective service would be necessary for a peacetime army and if it was necessary to recognize the NG in the postwar army. Significant results of the act were the perpetuation of 12 NG divisions created from 30 during World War I, this in effect also created ties with specific states and not simply citizen army units.¹³ The act provided a framework for the next evolution of the NG.

During the interwar years, the NG experienced one of its greatest evolutions. In 1933, an Amendment to the National Defense Act of 1916 again defined the role of the NG as both a federal and a state force. "In simplest terms, the "National Guard of the United States" pertained to the Guard's federal role as a deployable asset of the Army,

while the “National Guard of the several States” recognized the role of Guardsmen on state active duty.¹⁴ The Act enhanced the NG federal role by authorizing overseas deployments. This proved instrumental in NG availability of the approaching war.

As World War II approached, then Army Chief of Staff General George C. Marshall understood the Guard’s importance and required participation in the looming conflict. General Marshall experienced firsthand the proficiency of Guard officers and units while serving as an advisor to the Illinois NG. The war plans for the NG called for training of combat skills and national defense skills, because there was a high probability of Guard deployments in support of combat operations. Marshall and his staff developed a contingency plan for raising manpower and reinforcing homeland security as the NG unit buildup and deployment began.

During World War II, the NG experienced some of the same problems with training, equipping and leading. Senior officers were relieved due to age and poor performance and because of units reported as full strength when in reality they were well below full strength. These units subsequently received draftees and junior officers from the ORC and OCS. Yet, in anticipation of potential hostilities, Guardsmen reported for active duty. This call up eventually rose to nearly 300,000 NG soldiers in 18 NG divisions.

For the Guard, the post World War II years led to restructuring and re-evaluation of its role. General Marshall and friend Brigadier General John McAuley Palmer were staunch Guard supporters and led the way in opposition to the extreme anti-Guard views

of General McNair and others.¹⁵ These two men had an important influence in restructuring and developing the NG for years to come.

Domestic humanitarian crises compounded the post war rebuilding of the NG. Following World War II and the subsequent drawdown of forces, the NG returned to a role of domestic homeland security. For example in 1947, the ship *Grandcamp* exploded killing 567 merchant marines, residents, dockworkers and emergency service workers in Texas City, Texas. The Texas National Guard mobilized under Title 32 to provide support and aid in response to the disaster.

The Berlin crisis in 1961 resulted in the federal call up of 250,000 NG soldiers for a period of 12 months. Accelerated training schedules were implemented for specific units. Many mobilization issues that had surfaced during previous conflicts reappeared. Units reporting full strength were in fact well short of authorized levels and a large number of Reservists and draftees were required to fill out the vacancies. One problem identified in the validity of the call up was a "...feeling that stateside duty alone did not justify major disruptions in their professional and personal lives."¹⁶ As a result, both retention and membership in professional organizations declined.

Throughout the Cold War, the Guard in varying degrees, committed to the service of the nation from domestic missions to the Vietnam conflict. The NG was involved in civil rights disturbances and disaster relief. The political and military leadership refocused efforts on improving the equipping, staffing and funding of the NG. This period marked a rebuilding era and ongoing evolution, this time to a more professional, better trained and equipped force capable of worldwide deployments. A growing

division between the AD Army and NG required senior leaders to create a policy to align the two military organizations.

US Army Total Force policy formally established in 1972 resulted in an alignment of the active, reserve and NG forces and shared responsibilities. One of the issues surrounding the evolution of the NG following the Total Force policy is its routine deployment overseas for both training and combat missions. Another key development of the policy was the increased reliance upon the NG and Reserve to relieve AD forces during combat rotations. General Creighton Abrams declared, “They’re not taking us to war again without calling up the Reserves and the “they” were the politicians.”¹⁷ However, leaders throughout the AD and NG resisted the change as competition for resources, recruiting and retention that exerted pressure on already strained relations. This evolution was potentially the emerging operational role of the Guard.

Throughout the 1980’s NG units deployed to Panama in support of nation building and humanitarian support missions. This deployment was indicative of the increased reliance on these units for overseas missions. Yet, the need for support at home in response to domestic issues continued. In 1980, NG units operated roadblocks and conducted search and rescue missions prior to and following the eruption of Mount Saint Helens.

During the 1990’s, Guard units deployed and, to this day, maintain the preponderance of forces in Bosnia as a peacekeeping force. The Total Force policy continued its evolution and the ever-increasing reliance on the NG to support overseas missions. Units again responded to domestic emergencies within the U.S., enforcing the

rule of law during the 1992 Los Angeles riots mobilizing nearly 12,000 guardsmen from the 40th Infantry Division California Army National Guard.

The NG, either by individual or unit, has been in every major war the United States has fought. Throughout its history it has concurrently executed military support to civil authority missions within the United States borders in support of its respective state.

The National Guard has maintained its unique status as both a federal and State force. As a federal reserve in the first line of defense, the Army National Guard provides ready units for mobilization in time of war and national emergency. As a State force, it provides for the protection life and property and preserves peace, order, and public safety.¹⁸

Over the past several hundred years the Guard's role has evolved. However, is the Guard capable of executing missions associated with its latest evolution as an operational reserve?

Purpose

The purpose of this study is to examine the dual roles and functions of the National Guard as it transitions from its constitutional role as a strategic reserve to an operational reserve and domestic homeland security force. The study will present research and data in an attempt to make recommendations regarding the conflict between strategic and operational use of the NG and its domestic mission requirements.

The issues relevant to this study are varied. The Constitution establishes the legal beginnings of the NG and traces years of legislation that followed. There is the issue of defining the new role of the NG as an operational reserve in support of overseas combat operations and the effect on homeland security missions. A relevant issue is the reliance on the NG for both homeland security and homeland defense missions. An important

policy issue is the promotion of interaction between federal agencies, Governors, and Adjutant General's (TAG) regarding the use and employment of NG assets. As a result, is the question, what is the impact and relevance of national organizations like NGAUS, AGAUS and AUSA to the Guard's future?

The Guard today is conducting more missions, both federal and state, in times of dwindling resources. What contingencies are in place to provide homeland security while the NG deploys as an operational reserve? What is the cost in terms of emergency disaster response to the local communities? Where will the nation's strategic reserve come from?

Primary Research Question

What are the implications for domestic Homeland Security and state missions if the Army National Guard continues the aggressive operational tempo (OPTEMPO) as an operational reserve?

Secondary Research Questions

How does the 2006 National Security Strategy affect the use of the National Guard as an Operational Reserve versus Strategic Reserve and its impact on lifecycle and longevity? What is the effect on communities and civil authorities as National Guard units perform multiple operational combat rotations and continue to respond to civil emergencies such as domestic disturbances and natural disasters? Will the Guard be there to support local and state emergency management agencies in every instance?

Assumptions

The current laws governing the use and roles of the NG will not change for the near future. Since the release of the 2006, Quadrennial Defense Review (QDR), the National Guard's role changed from a strategic reserve to an operational reserve. The assumption is the NG remains in that role. The Department of Defense (DoD) exerts continued reliance upon the NG in support of the Global War on Terror (GWOT). The Posse Comitatus law remains unchanged, extending the NG's role in domestic homeland security. However, a change to a less restrictive Posse Comitatus law would affect the future research of this issue. This change would also have implications for the use of federal forces, AD and Reserve Title 10, by state authorities.

A new Presidential administration may have implications for the role of the NG. If OPTEMPO decreases, the necessity of this research remains unchanged. Global climate change continues to create conditions for more frequent natural disasters necessitating increased NG involvement in domestic missions. Globalization and worldwide free market access will increase the possibility of terrorist acts and the corresponding increase in security requirements domestically and internationally.

Definition of Terms

Congress replaced the term "militia" with "National Guard". Thus, in the course of this study several different terms describe the organization. The term militia originated in 1792, while in 1824 the volunteer militia in New York was the first unit to adopt the term National Guard. The Army National Guard (ARNG) was created in 1946

and subsequently the Air National Guard (ANG) in 1947. My research will refer to the militia and the National Guard.

Throughout its past, the NG performed as a strategic reserve. This meant that it augmented active duty units during wartime and usually required arduous train up periods. Secretary of Defense, Donald Rumsfeld expressed the need to use the NG as an operational reserve. The current administration's 2006 QDR outlined the evolving role of the NG as an operational reserve capable of rapidly responding with trained and proficient units. This has increased the demand for its responsibility in both homeland defense and homeland security. Within full spectrum operations, homeland security is the conduct of civil support, counterterrorism, counterdrug, and infrastructure protection and security missions within the U.S. As described in FM 3-0, homeland defense is the conduct of the above with the exception of civil support missions.

Limitations

A limitation that has affected this thesis is the time allowed for research opportunities. To conduct in depth analysis of individual NG units or even state headquarter units would require a substantial commitment of time and resources. The effects of repeated deployments and demanding homeland security requirements are evolving and data is beginning to suggest trends. Therefore, sections of my analysis are conjecture. This limitation should in no way infer that the research conducted was not in depth, the conclusions and recommendations irrelevant.

Delimitations

As with any research project, there are multiple branches of interest and related issues. This study excludes the impact of the Guard's OPTEMPO on family stability. Specifically excluded is the impact of repeated deployments on soldier suicide rates, divorce rates, criminal activity and domestic violence. The study references the Air National Guard (ANG) and Army Reserve, however, the intent is to solely examine the Army National Guard.

Significance

The results of this study could lead to improvement in the response of the NG in evolving roles and missions. The Guard is the subject matter expert on these domestic missions and may elicit discussion on the subject of homeland security and development of further recommendations. The research may show the emerging problems with the NG performing both overseas operations and domestic missions. Scholarly discussion of this issue may provide alternative solutions to the military and political leadership of the US. The onus is on policy makers to determine the priorities for the Guard. This research and resulting discussion will hopefully lead to clearly defining federal and state roles for the NG. The results may offer recommendations for community emergency preparedness and response to natural and manmade disasters as NG units deploy in support of the GWOT.

Summary

The importance of this study cannot be overstated. There is utility in discussing the Guard's role as an operational reserve and competing role in state domestic missions.

The scope of the research examines the implications of continued deployment of the Guard and the study will assist doctrine development. It is applicable to military leaders, policy makers and the federal and state administrations in determining the NG's future.

Conclusion

Army National Guard units and individuals have participated in every major conflict the United States has been involved in since the Revolutionary War. These same units have assisted with riots, rebellions, and disasters both natural and manmade in some cases at the same time. The NG utilization as the Constitution defines has expanded over the past three hundred years. As the Guard embarks on a new mission as the United States Army's operational reserve, what does that mean for homeland security and domestic missions? The history and evolution of the Guard facilitates recommendations for the need to relook roles and missions in light of 21st Century challenges.

¹ U.S. Office of Homeland Security, *The National Strategy for Homeland Security*, Washington, DC, Government Printing Office 2002.

² Bowman, Steve, National Defense, Foreign Affairs, Defense, and Trade Division, *Homeland Security: The Department of Defense's Role*, Report for Congress, 2003.

³ Mahon, John K., *History of the Militia and The National Guard*, Collier Macmillan Publishers, London, 52.

⁴ Ibid

⁵ Doubler, Michael D., *I am the Guard: A history of the Army National Guard, 1636-2000*, U.S. Government Printing Office, Washington D.C., 86.

⁶ Mahon, John K., *History of the Militia and The National Guard*, Collier Macmillan Publishers, London, 81.

⁷ Kriedberg, Henry, *History of Military Mobilization in the United States Army 1175-1945*, DA Pamphlet No. 20-212, 1955, U.S. Government Printing Office, Washington D.C., 141.

⁸ Posse Comitatus Act of 1878, 10 USC 375, Chapter 263, Sect 15, U.S. Government Printing Office, Washington D.C.

⁹ Ibid, 148.

¹⁰ Laurie, Clayton D., Cole, Ronald H., *The Role of Federal Military Forces in Domestic Disorders, 1877-1945*, Center of Military History, U.S. Government Printing Office, Washington D.C., 325.

¹¹ Ibid, 200.

¹² Doubler, Michael D., *I am the Guard: A history of the Army National Guard, 1636-2000*, U.S. Government Printing Office, Washington D.C., 186.

¹³ Colby, Elbridge, THE NATIONAL GUARD OF THE UNITED STATES, A Half Century of Progress, Military Affairs/Aerospace Historian, Eisenhower Hall, Kansas State University, 1977, Ch. 8, 18.

¹⁴ Ibid., p.194.

¹⁵ Ibid., p220.

¹⁶ Ibid., p 252.

¹⁷ Cohen, Eliot A., *Supreme Command, Soldiers, Statesmen, and Leadership in Wartime*, Anchor Books, 2002, 185.

¹⁸ Ibid., Roger C. Schultz, Director , Army National Guard, ix.

CHAPTER 2

LITERATURE REVIEW

Introduction

The purpose of this study is to examine the dual roles and functions of the National Guard (NG) as it transitions from a constitutional role as a strategic reserve to an operational reserve and domestic homeland security force. The literature review will examine the National Guard's role related to the three secondary research questions. The analysis of , government publications, Army doctrinal manuals, periodicals, journals, secondary source studies and MMAS research papers provides materiel to reach conclusions and make recommendations. The evidence is presented chronologically and establishes the constitutional roles and missions of the NG and as they have metamorphosed over time. I will examine the organization's history and then explain current doctrine related to its evolving role and, specifically, how that relates to state missions.

The Constitution and the Militia Act of 1792

The Constitution's Article I, section eight "provides for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions and for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States." The Constitution's Second Amendment states, "A well regulated Militia being necessary to the security of a free State, the Right of the People to keep and bear Arms shall not be infringed." The framers

could not have realized how their words were interpreted in the years following the Constitution's adoption. The Militia Act of 1792 established the guidelines for militia employment. The act outlined not only the presidential authority to call out the militia for invasions, insurrections and enforcing laws, but in combination with the Constitution was the basic legal authority for establishment of the militias. This document served as the basis for the development of national defense acts and eventually the creation of the modern National Guard. The act states:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States, to call forth such number of the militia of the state or states most convenient to the place of danger or scene of action as he may judge necessary to repel such invasion, and to issue his orders for that purpose, to such officer or officers of the militia as he shall think proper; and in case of an insurrection in any state, against the government thereof, it shall be lawful for the President of the United States, on application of the legislature of such state, or of the executive (when the legislature cannot be convened) to call forth such number of the militia of any other state or states, as may be applied for, or as he may judge sufficient to suppress such insurrection¹

Barbour Board and Reform Initiative of 1840

From the late 1700's until the early 20th century, the militia, and its citizen soldiers served as a volunteer federal force, for example during the War of 1812, and extensively as a police force. Following 1812, the militia experience a period of decline in both professionalism and capability. "Muster days started with the role call and quickly degenerated into a daylong indulgence of heavy drinking, wild gambling, and crude profanity."² The Barbour Board, established by then Secretary of War James Barbour, and subsequent Reform Initiative in 1840 was the only militia legislation for about 100 years. Years of inaccurate and missing militia annual strength reports and

decline of the militia provided the impetus for Secretary Barbour's call for reforms. Both the board and the initiative suggested modifications to the original militia act that if enacted, would affect the development of the National Guard by the military and political leadership. The resulting legislation had little impact on the militia and its role in the federal United States military system.

1903 and 1908 Dick Acts

Representative Charles W. F. Dick, a Spanish-American War veteran and member of both the Ohio National Guard and the House Military Affairs Committee, introduced a bill requested by Secretary of War Elihu Root. The bill supported by the fledgling National Guard Association (NGA) quickly passed through Congress and was signed into law January 21, 1903. The legislation was crucial for the Guard. It repealed the Militia Act of 1792 and formed the basis for the modern NG.

The Dick Act defined terms of service, age limits and training requirements for the NG. To ensure the new organization was prepared, the act recommended funding increases and serviceable equipment made available. In return for increased funding and equipment, the NG's in each state "... were to conform to federal standards for training and organization within five years."³ The Act also initiated a formal relationship between federal and state forces and allowed for, if necessary, a mandatory federalized call up time of at least nine months, federal recognition of Guard officers, drill and annual training requirements and military pay provisions. The Act however, did not authorize mobilization for duty beyond the borders of the United States and the Act failed

to clarify roles, missions or command relationships between Active and Guard leaders. Even with its limitations, the Dick Act inaugurated years of transformation for the Guard.

The 1903 Act was modified in 1908. The resulting Militia Act of 1908 changed three critical elements of the 1903 Act. Two significant changes emerged for the NG. The Act allowed the President to mobilize the NG in support of national emergencies and removed limits of federalized service. This meant that for the first time the NG could be federally mobilized for an undetermined time. The Act also created what is now the National Guard Bureau giving the NG an executive level connection to the DoD.

1911 Report on the Organization of Land Forces of the U.S.

Captain John McAuley Palmer, later retiring as a Brigadier General, was a respected active duty officer who, while on the Army staff in 1911, prepared the “Report on the Organization of the Land Forces of the United States.” The report outlined forces required for a US expeditionary army. These forces consisted of the Regular Army, the National Guard and the National Army components (volunteer, reserve and conscripts). It also revealed deployment difficulties such as finding suitable training sites. At the time, only one fort existed large enough for a division to train. NG units, if mobilized, also lacked uniforms, equipment, feeding capabilities and a preplanned program of instruction (POI). Capt. Palmer presented valuable insight and experience in the process of integrating and training a combined force of Active, Reserve and National Guard forces. Afterwards, his recommendations, enhanced by experience in World War I, resulted in his assignment as the military advisor to Congress during the development of the National Defense Act of 1920.

National Defense Act of 1920

The National Defense Act (NDA) of 1920 established that the Army would consist of the Regular Army, the National Guard and the Army Reserve. It also identified general roles and missions for each of the three Army components. It stated that, “the Regular Army and the National Guard as first line defenses and the Army Reserve as the second line defense.”⁴ The act also established the Chief, National Guard Bureau, formerly the militia bureau, would be a NG general officer appointed by the President for a term of four years. The NDA of 1920 introduced the next level of change for the NG from the 1916 Act and further promoted the integration of the NG and Reserves with the federal army. Palmer’s input to the 1916 and 1920 Acts were important and subsequently, he was again chosen by Marshall to plan the organization of the Reserve Component after World War II. “The National Guard had become an integral part of our national defense forces and was so regarded and promoted for two decades.”⁵ However, in the interim, legislation was enacted that again changed the role of the NG.

Mobilization Act of 1933

The Mobilization Act’s importance was that it reorganized the National Guard as part of the Regular Army in wartime and legally authorized to mobilize and deploy beyond the borders of the US. Military funding increased and for the first time, active duty and NG units conducted joint training maneuvers. The Act defined the difference between the “National Guard of the United States”, the federally mobilized status and the “National Guard of the several States”, the state active duty status. Guard officers would

now be required on commissioning to take an oath to the federal government and the state.

National Defense Act of 1947

Palmer's contribution to the post World War II Report on the Land Forces of the United States shaped the Army National Guard's force structure in the Cold War years. In the years following World War II as the US military began a drawdown of forces, congressional committees met to report on the future national security requirements. The National Defense Act (NDA) of 1947, also called the National Security Act (NSA), created the Department of Defense consisting of the Departments of Army, Air Force and Navy. The act also gave a "communications channel" between the individual state Adjutants General and the active military by way of the National Guard Bureau (NGB). The act also established an executive-military link by creating the position of the Secretary of Defense.

1948 Gray Report

In 1948, the Office of The Secretary of Defense Committee produced a report on the "Reserve Forces for National Security." Gordon Gray, the Assistant Secretary of the Army, chaired the committee. "The Gray Report", as it became known, outlined several possible reserve force organizational recommendations. The analysis of the Gray Report is necessary to shed light on potential ways to address issues that linger with us today. The publication was significant in that it identified shortfalls and capabilities of the National Guard as the organization matured in performing its dual missions of the state militia and strategic reserve.

The report highlighted the ORC and its capability to assist with train up and back fill in the event of a full mobilization. The report also built up the requirement for a strategic reserve unencumbered by other missions. Secretary Gray called on the experience of BG Palmer to give his insight of the committee's findings. Palmer contributed a three-page memo outlining his recommendations, which were appended to the commission's findings. General Palmer had agreed to the commission's findings in several areas. However, his primary argument stated that an effective military force must be organized under federal control, because as he put it,

no military force organized under the militia clauses of the Constitution can be made fully effective in this sense because the national war making power is denied direct control over its organization, its training and the qualification and appointment of its officers.⁶

The Gray report was an important piece of literature that created the groundwork for further discussion on the development of the NG and its role in homeland security. The NG leadership, however, was unhappy with the Commission's findings based in part on the increased federal influence and potential loss of state control and emphasis on the ORC.

The McNamara Reforms and the Defense Appropriations Act of 1966

Secretary of Defense (SECDEF) Robert S. McNamara understood the importance of the NG role in military operations. Following the Korean War and the Berlin Mobilization, McNamara was concerned about the ability of the NG to deploy as a cohesive force rather than individual augmentees. During Vietnam, the NG mobilized approximately 12,000 soldiers of which roughly 7,000 saw duty in the country. This

emphasized McNamara's point and resulted in a significant evolution. In a move which countered the position of the 1948 Gray report, McNamara recommended radical changes to the NG and Reserve structure. "The SECDEF announced he intended to merge the USAR into the ARNG while carrying out additional, significant reforms."⁷ NGAUS, AGAUS and NGB supported his plan even in the face of integrating USAR soldiers and potential force structure cuts. Conversely, the USAR and Reserve Officers Association (ROA) opposed such action and exercised unusually aggressive lobbying action to prevent this reform from occurring. The result was that Congress "expressly forbade" the merger of the USAR and NG in the 1966 Appropriations Act. This, however, did not stop other sweeping changes that McNamara pressed for including a NG force of only eight divisions and little time to prepare for combat and domestic security missions.

The 1986 Montgomery Amendment and The 1988 Perpich Lawsuit

In the years following the Vietnam War, the NG experienced a resurgence in recruitment and capability. The public sentiment of the military was at an all time low and proved to be a significant challenge for recruitment and retention. NG units conducted an increasing number of overseas training missions. Following the end of the draft in 1973, Army Total Force policy increased the integration of NG and AD forces. The Army was restructured as an all-volunteer force and faced significant challenges of recruiting and training a capable military for the nation's security. NG participation in Return of Forces to Germany (REFORGER) exercises and Central American exercises such as Fuertes Caminos (Strong Roads) increased every year. Governors questioned the legality of sending NG units overseas for training exercises. Consequently, The

Montgomery Amendment to the 1986 Defense Authorization Act was added in response to the Governors threat to stop NG overseas deployments. The Amendment stated, “the consent of a Governor to call Guardsmen to active duty training might not be withheld with regard to active duty outside the United States because of any objection to the location, purpose, type or schedule of such active duty.”⁸

Governor Rudy Perpich of Minnesota and six other Governors sued the DoD, on the basis that the Amendment was unconstitutional. The court battle went on for three years and was eventually deemed constitutional by both the 8th Circuit Court and the US Supreme Court. The important point of this decision was that the states could not stop the Army from training federally ordered NG soldiers overseas. The exception was that the court did allow Governors the ability to deny federal mobilization for training in the event there existed an emergency within their respective state.

1996 GAO Report on Reserve Component Readiness in Desert Storm

“The Total Force strategy got its first real test in Operation Desert Storm, when 228,500 Guard members and reservists were called up for active duty in the biggest mobilization since the Korean War.”⁹ While the mobilization and performance of ANG units was very successful, the ARNG suffered from years of apathy. “The ability of some Army National Guard combat brigades to be ready for early deployment missions to support the defense strategy is highly uncertain. This uncertainty brings into question whether the roles and missions of the Army Guard need to be modified.”¹⁰ Unfortunately, these mobilizations were plagued with difficulties ranging from inaccurate status reporting to the lack of dental readiness of NG soldiers. Round out brigades were

reported as C2. This “C” rating is the “combined” readiness of units as reported on the Unit Status Report or USR. It is a combination of personnel, equipment and supply readiness. Therefore, these brigades had been reported at one level below full readiness, when in fact they were well below that level and unprepared for combat. An example of the issues confronting the Guard was the 48th Brigade, Georgia National Guard, which was one of only three ARNG brigades that activated for Desert Storm. Activated in November of 1990, the brigade did not receive validation until 28 February 1991, the day the war ended. The 48th completed the longest validation rotation that Fort Irwin and The National Training Center ever conducted. This was an example either of the need for more detailed training or of repetitive training for a substandard unit. The example of the 48th proved to be an important transition point for the Army and the National Guard.

2001 Hart-Rudman Commission

In January 2001, the Hart-Rudman Commission concluded, “that the primary national security challenge that the United States will face in the next 20 to 30 years will be an attack by an adversary on the American homeland which could produce thousands of casualties.”¹¹ The Commission argued, “The National Guard should be given homeland security as a primary mission, as the U.S. Constitution itself ordains.”¹² It suggested that the National Homeland Security Agency (NHSA), or what is now the Department of Homeland Security (DHS) must consolidate the efforts of all agencies with a responsibility to homeland security. The Commission identified these agencies as the Federal Emergency Management Agency (FEMA), United States Coast Guard (USCG), United States Customs Service (USCS) and United States Border Patrol

(USBP). The Commission argued the past role of the National Guard as a homeland security force has been vague and that the National Guard, must be involved based upon its inherent experience and capabilities.

The Commission further clarified that homeland security should be the primary mission of the Guard and Reserve and a secondary mission for the Active component. It indicated a need for restructuring of critical federal and state agencies, which would enable civil authorities to maintain first responder ability and proficiency. The report concluded that the Guard's response to emergencies would be complimented by improvement of the basic level of preparedness for local civil authorities. The crucial question is the balancing act because, the Guard must be prepared to support the state mission and yet still prepare for combat alongside Active and Reserve forces. The Commission stated,

The United States needs five kinds of military capabilities; nuclear capabilities to deter and protect the United States and its allies from attack; homeland security capabilities; conventional capabilities necessary to win major wars; rapidly employable expeditionary capabilities; and humanitarian relief and constabulary capabilities.¹³

Post 9/11 Articles and Public Law

In his article, "Homeland Security: Restoring Civil Virtue", Robert Cottrol points out two shattered illusions as a result of September 11, 2001 terrorist attacks on the US. By virtue of geography, the US has avoided the scenes of terror repeated in Europe and Asia with regular frequency and now is a nation that no longer has secure borders. The other is an inherent trend of Americans to view the possibility of a terrorist attack on sovereign soil remote. Cottrol goes on to say that, "This will involve rediscovering, and re-defining, the venerable but badly eroded tradition of the citizen soldier."¹⁴ This

illusion and its corollary, that the average citizen is too feckless to defend himself, much less participate in the defense of his community, must be shed quickly if American civil society is to survive this new and terrifying century¹⁵

In the absence of the Guard, when units deploy, Cottrol argues that a home defense force consisting of auxiliary police and fire units as well as volunteer state defense forces could provide a solution. The status and control of these volunteer state defense forces is questionable. They receive infrequent training and are primarily under state control. Reciprocity between states and the use of these forces during times of cross state disaster would become an issue of state control.

Cottrol points out two important lessons from our past that has relevance to our current homeland security dilemma: the end of the two year mandatory ROTC at all land grant institutions and the end of the draft following Vietnam. These two events signaled a paradigm shift in US cultural beliefs that the populace as a whole is somehow not responsible for national security. He believes the political turmoil, resentment and distrust that occurred at the time could explain why Americans began a slow migration away from that responsibility. Since the events of September 11, the American public's awareness and responsibility for homeland security seems to have waned.

On November 25, 2002, President Bush signed Public Law 107-296 creating the Department of Homeland Security. The law assigned it responsibility for the implementation and enforcement of National Security within the borders of the United States. The law establishes responsibilities for a variety of governmental agencies including the United States Coast Guard. These responsibilities include protecting the

US from physical attacks, border incursions, maritime incursions and cyber attacks.

Interestingly, the National Guard is not referenced nor assigned any responsibilities for homeland security as established by the Constitution as Hart-Rudman had argued 11 months before the terrorist attacks on the US. However, some political and military leaders did understand the increased role of the NG in the GWOT.

The 2006 Quadrennial Defense Review and FM 3-0

Secretary Rumsfeld redefined the role of the NG in the 2006 Quadrennial Defense Review. He stated “the Reserve Component must be operationalized, so that select Reservists and units are more accessible and more readily deployable than today.”¹⁶ The focus of the military leadership through the QDR and doctrinal publications indicates a reliance on and increased responsibility for the NG as an operational reserve and domestic homeland security force. Army doctrine does recognize the expanded role of the NG in domestic homeland security and as an operational reserve.

FM 3-0 defines full spectrum operations as,

Army forces combine offensive, defensive, and stability or civil support operations simultaneously as part of an interdependent joint force to seize, retain, and exploit the initiative, accepting prudent risk to create opportunities to achieve decisive results.¹⁷

While it is apparent that the Army has defined the “problem”, the responsibilities within the problem remain uncertain. As the Army National Guard mission focus has changed to an “operational reserve”, FM 3-0 describes that concept within full spectrum operations. Figure 1 describes the relationship between homeland security missions and homeland defense missions. The four operations outlined in FM 3-0, offensive,

defensive, stability and civil support, are combined in varying degrees of importance based upon the mission requirements. For example, a homeland security mission requires more focus on civil support and relatively minor if any at all on traditional offensive and defensive military operations.

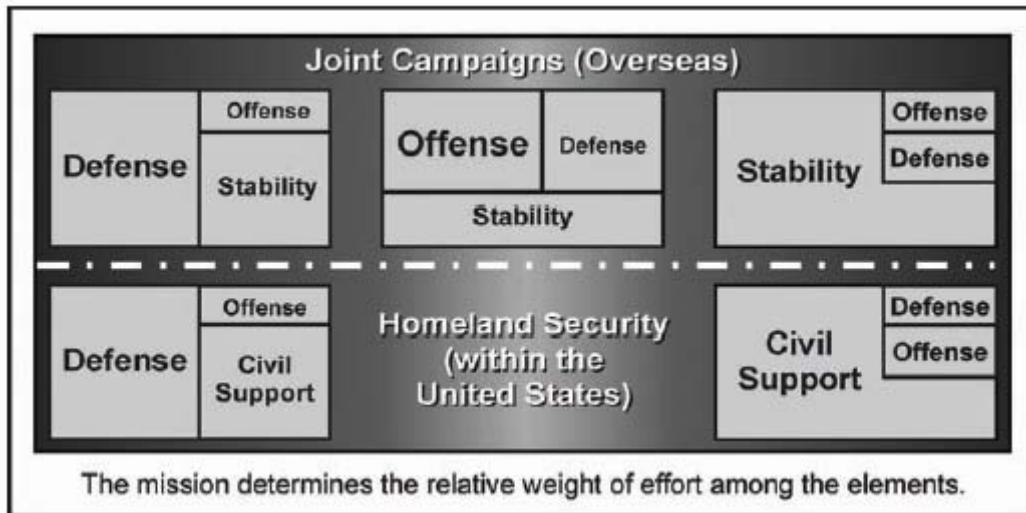


Figure 1 Full Spectrum Operations—The Army’s Operational Concept.
Source: FM 3-0, *Operations*, February 2008, 3-1.

“The Army’s operational concept is the core of its doctrine.”¹⁸ The focus of Army doctrine has become joint operations and forces capable of operating in support of one another. The four fundamentals of full spectrum operations, offense, defense, stability and civil support, intertwine with one another. The role of the NG is now magnified throughout the spectrum of operations. Army doctrine, according to FM 3-0, establishes that, “Usually the Army National Guard is the first military force to respond on behalf of state authorities.”¹⁹ It also states, “National Guard forces under state control have law enforcement authorities that Regular Army units do not have.”²⁰ Following

seven years of combined combat and domestic operations, the capabilities and continued operational support by the NG has been challenged.

2007 Commission on the National Guard and Reserves

On March 1, 2007, the Commission on the National Guard and Reserves released its second report to Congress outlining the status of the National Guard following five and a half years of combat operations and domestic homeland security missions. One of its goals was to recommend reforms resulting in the proper equipping, organizing, training and funding to prepare the National Guard to meet the challenges of the 21st Century. According to the Commission, the NG faces proliferation of Weapons of Mass Destruction, fractured “non-actor” states creating regional and even global instability, radical Islamic groups focused on harming Americans, pandemic disease and an emerging competition among global powers. The report states the necessity to use the military instrument of national power in combating these security threats. “Among these instruments is the U.S. military, including the National Guard and Reserves, which must possess the multitude of capabilities necessary to meet the array of traditional, irregular, catastrophic, and disruptive threats to America both at home and abroad.”²¹

The report breaks down the current state of the National Guard and Reserve into various criteria. The NG is conducting a campaign of high OPTEMPO and PERSTEMPO over multiple AO’s, missions, and must cross level equipment and personnel to maintain units at full strength. These missions encompass everything from combat operations to peacekeeping, stability operations to civil support. Failure to fully utilize the Individual Ready Reserve has led to the increased cross leveling and directly

related is the reduction in prior service re-enlistments, retention and recruiting and unfavorable attitudes toward military service by the younger generation and their parents. The report clearly outlines some important facts to consider in the effort to redefine the NG's role in homeland security and homeland defense. These factors when combined with a globally shrinking technologically connected world will increase the nation's reliance on the NG.

2008 Army Posture Statement and *The Lexus and the Olive Tree*

Army Chief of Staff, General George Casey referenced the implications of globalization in the 2008 Army Posture Statement. "Globalization accelerates the redistribution of wealth, prosperity, and power, expanding the "have" and "have not" conditions that can foster conflict."²² He echoes the same elements of a more interconnected world without walls that Friedman described in *The Lexus and the Olive Tree*. In his book, Friedman examined five distinct steps that have occurred since the fall of the Berlin wall guiding the world toward globalization. Hart-Rudman in part relates full spectrum operations and the "five kinds of military capabilities" to Friedman's globalization theory. This argues that there would be a widening gap between third world countries and industrial hegemonies such as the US. It is important to understand this literature as it relates to the impact on the NG and homeland security. Friedman proposed that a developing interconnectedness in the form of the internet and access to technology provides global access to those that in the past were relatively isolated. His analysis concluded homeland defense and homeland security are at risk because of non-state actors such as Ramzi Yousef and other contributing domestic and international

security issues.²³ Friedman's globalization theory has some direct linkages to the shift in the Army's strategic, operational and tactical approach to full spectrum operations.

Conclusion

The literature review establishes a historical precedent for the National Guard in Homeland Security and Homeland Defense. Legislation has contributed to the evolution of the Guard's roles over the past several centuries. Army doctrine reflects the evolution of combat through the full spectrum operations and the impact on National Guard resources. Congressional committees have established that the Guard is on the leading edge of a downward turn in performance and equipment reliability. The Department of Homeland Security (DHS) executes a monumental mission with dwindling resources. From the DHS perspective, the Guard's involvement in homeland security is sometimes confusing due to federal and state roles. The literature review gives a unique perspective of the overall dilemma with Homeland Security and the applicability of dedicated support to Homeland Security and Homeland Defense by the National Guard.

¹ Militia Act of 1792, Second Congress, Session I. Chapter XXVIII
Passed May 2, 1792.

² Doubler, Michael D., *I am the Guard: A history of the Army National Guard, 1636-2000*, U.S. Government Printing Office, Washington D.C., 89.

³Ibid, 144.

⁴ National Defense Act of 1920, U.S. Government Printing Office, Washington D.C

⁵ Colby, Elbridge, THE NATIONAL GUARD OF THE UNITED STATES, A Half Century of Progress, Military Affairs/Aerospace Historian, Eisenhower Hall, Kansas State University, 1977, Ch. 8, 23.

⁶ Gray Commission, *Reserve Forces for National Security*, U.S. Government Printing Office, Washington D.C June 1948, 87.

⁷ Doubler, Michael D., *I am the Guard: A history of the Army National Guard, 1636-2000*, U.S. Government Printing Office, Washington D.C., 255.

⁸ Ibid., 296.

⁹ Homme, Alex, Rebelo, Kristina, van Voorst, TIME, Lessons of Desert Storm Phantom Army, Monday, Jun. 10, 1991.

¹⁰ DOD Reserve Components: Issues Pertaining to Readiness (Testimony, 03/21/96, GAO/T-NSIAD-96-130). United States General Accounting Office, Washington D.C. 1996.

¹¹ Roxborough, *The Hart-Rudman Commission and Homeland Defense*, 2001, 1.

¹² United States Commission on National Security/21st Century, *Road Map for National Security: Imperative for Change*, January 31, 2001, ix.

¹³ United States Commission on National Security/21st Century, *Seeking a National Strategy*, April 15, 2000, 14.

¹⁴ Thompson and Gale, *Current Controversies, Homeland Security*, Greenhaven press, 2005, 117.

¹⁵ Ibid.

¹⁶ Rumsfeld, Donald, *2007 Quadrennial Defense Review*, Government Printing Office, Washington DC., February 2006, 76.

¹⁷ FM 3-0, *Operations*, February 2008, p. 3-1

¹⁸ Ibid.

¹⁹ Ibid., 3-17.

²⁰ Ibid.

²¹ Commission on the National Guard and Reserves, *Second Report to Congress*, Government Printing Office, Washington D.C., March 2007, viii.

²² 2008 Army Posture Statement, Government Printing Office, Washington D.C., 2008, 2.

²³ Friedman, Thomas L., *The Lexus and the Olive Tree*, First Anchor Books Edition, April 2000, 405.

CHAPTER 3

RESEARCH METHODOLOGY

Introduction

The purpose of this study is to examine the dual roles and functions of the National Guard as it transitions from a constitutional role as a strategic reserve to an operational reserve and domestic homeland security force. The historical framework in chapter one outlined the NG's capabilities and missions throughout its history. Chapter two examined influential authors government documents and seminal works describing past and current legislation and policy decisions. In this chapter, the methodology will describe the process I follow to answer the primary and secondary questions. The criteria to determine feasibility, credibility of sources, and relevance of examples are broken down chronologically, by subject matter expert and with applicability to the research questions.

Criteria for analysis

The historical perspective is necessary to set the conditions for the analysis. Then it is important to relate relevant case studies that provide the insight into civil military operations in which the Guard is intricately involved. A comparison and contrast of historical events will then provide the reader with enough insight to suggest further research. The analysis will lead to findings and recommendations.

I approached this research problem with objectivity. As a twenty-four year veteran of the Air and Army National Guard, I organized my thought process and research design to avoid as much subjectivity as possible. Objectivity was crucial to

examining the thesis topic and resulting conclusions or recommendations that all readers would find viable. I trust my thorough analysis will reflect this lack of any bias. Because of relatively recent change in the National Defense Strategy, which defines the National Guard as an operation reserve, I believe surveys would not have provided enough suitable information in the time given to cross check my other methods. Therefore, I relied upon the study of legislative actions, historical precedent, commission findings, two comparison and contrast examples and case studies. The comparison and contrast of case studies examined times when the Guard was involved primarily in CONUS missions, and the other when the Guard was involved in both CONUS and OCONUS missions.

Historical Feasibility

The historical feasibility is important in relating the issues and policies as they evolved since the inception of the National Guard. A 371-year organizational history has some bearing on the current dilemma. The Constitution states in Article I, section 8, clauses 15 and 16 that “Congress shall have the power to call forth the Militia to execute the laws of the Union, suppress Insurrections and repel Invasions. This was the militia’s legal basis. The introduction and subsequent evolution of the 1792 Militia Act further defined and expanded the role of the militia in early America. Evolving legislation such as the 1903 and 1908 Dick Acts, the National Defense Act of 1916, 1920 and Mobilization Act of 1933 were important legislative actions that related to the NG’s military and political evolution. The creation of lobby organizations like AGAUS and NGAUS was critical to influencing the development of the NG. In 1948, the Gray report illuminated the need for restructuring the U.S. military following World War II by

providing a strong reserve (NG ORC) for the security of the homeland. The 1972 Army Total Force policy integrated the NG further into the regular Army and initiated the move toward the current NG designation as operational reserve.

The 2006 QDR implemented the change of the NG from a strategic reserve to an operational reserve. Consequently, the 2007 Congressional report on the status of the National Guard and Reserves outlined trends resulting from the operational use of the NG. My analysis will enable the reader to form a base of knowledge and an educated opinion regarding the NG role in domestic homeland security.

Answering the primary and secondary research questions

The primary research question is supported by the secondary questions and leads to the analysis. Thorough analysis will answer both the primary and secondary questions, and result in my findings and recommendations.

Legislative and Doctrinal publications

FM 3-0 defines the role of the National Guard in full spectrum operations as an operational reserve. The importance of legislative publications enumerates the years of conflict between Governors and federal policy makers. It is important to understand the conflict between state and federal authorities to make recommendations for future implementation. The current evolution of doctrine is a byproduct of hundreds of years of interpretation of the Constitution and its Bill of Rights, Militia Acts, Defense Acts and other legislation that has defined the role of the NG.

Comparison and Contrast

Using comparison and contrast allowed flexibility to research a variety of case studies and historical examples. This allowed identification of any possible trends and unique anomalies. This also facilitated a method for the reader to visualize two or more different examples under variable conditions, high versus low OPTEMPO. Throughout the research analysis, I have conducted a comparison and contrast with respect to the historical periods and case studies. This allowed a consistent approach in evaluating voluminous material while focusing on the research questions.

Case Study Analysis

Following the case study format, I researched relevant case studies including the following. Some of the numerous examples where the civil and local authorities required NG assistance were; the railroad and miners strikes, race riots, and natural disasters throughout the 19th, 20th, and 21st centuries. Specifically, events like the Los Angeles Riots occurred during a period where the NG was not involved in major combat operations. Conversely, Hurricane Katrina occurred during a period of intense involvement in combat operations by the Guard.

Summary

The research methodology defines the scope of the process undertaken to eliminate bias, ensure subjectivity and thoroughly address the primary and secondary research questions. The criteria to determine feasibility of method was the time available to complete the research. The suitability and relevance of examples described the historical development of the NG and its significance. Additionally, previous legislation

was critical to describing the NG's future as an operational reserve and domestic homeland security force. Periods of combined combat and disaster relief operations as opposed to periods of relatively minor combat operations and heavy disaster relief operations reveal the extent and difficulties inherent in the NG commitment and response. The credibility of sources is important to this study in order to establish credibility with the research and resulting conclusions and recommendations.

Conclusion

It is important to understand how the primary and secondary questions lead to a comprehensive analysis of the research topic. The methodology establishes a link between the historical evolution and literature review. A key point of the methodology established the links between historical evolution, legislative action, doctrinal changes and policymaking. The author has identified credible, suitable and feasible sources leading the reader to a clear analysis of the research presented.

CHAPTER 4

ANALYSIS

“Any way you cut it, the National Guard is absolutely essential to our Nation’s defense. We cannot fight our wars abroad; we cannot secure the country at home; and we cannot respond to large-scale emergencies without the Guard.”
—Senator Patrick Leahy

Introduction

Chapter four begins with a brief introduction, followed by an analysis of the research and answers to the primary and three subsequent secondary research questions. A summary and conclusion of the analysis will present the reader a logical transition to chapter five and the resulting findings and recommendations.

The purpose of researching the National Guard role in domestic homeland security and as an operational reserve is to determine if, given the current OPTEMPO, it can continue to do both effectively. Research has shown that since the birth of the United States within political and military circles, the National Guard has been a focal point for continuous discussion, regarding its roles. The politicians and military leaders had a wide range of ideas of how to implement and use the Guard and Reserve forces. Established out of necessity and perpetuated through tradition and the Constitution, the Guard has built substantial political power and influence within the defense community. Political lobby organizations such as NGAUS and AGA came into being and further divided opponents and supporters of the Guard’s role. The competing efforts to utilize and employ the NG by supporters were countered by supporters of the AD military and Reserve. History is replete with attempts to expand and contract the Guard’s capabilities

depending on the need without consideration for existing laws. The research analyzes the impacts of these factors on the NG operational reserve and domestic homeland security roles.

Primary Research Question

What are the implications for domestic homeland security if the Army National Guard continues the aggressive operational tempo (OPTEMPO) as an operational reserve? The research analyzed the effect of doctrine development following World War II, increased reliance upon NG units and individual augmentees all resulting from redefining the role of the NG as an operational reserve. In the years following World War II, the US national military authority and civilian leadership increased the reliance on the NG as a federal and state military force.

Sixty years have passed since the release of the Gray report. One would ask what the relevance of the issues discussed so many years ago would have on a modern Army that looks nothing like it did then. It is important to understand the same challenges we face now with respect to national security strategies and objectives relate to those stated in the 1940's. No one at the time could foresee what the next conflict would look like and the country was recovering from ten years of global war. The need for the National Guard to be a ready, trained and capable force was no different than it is today. States applied the same pressure to use the Guard in a military support to civil authorities' role when emergencies occurred. The federal government also utilized the NG when necessary to support contingencies and overseas deployments. The Gray report produced a paradigm shift in thinking about Reserve and National Guard forces. The ability of the

Guard and Reserve was not in question; it was the Guard's capability to perform combat mission tasks as well as domestic homeland security missions.

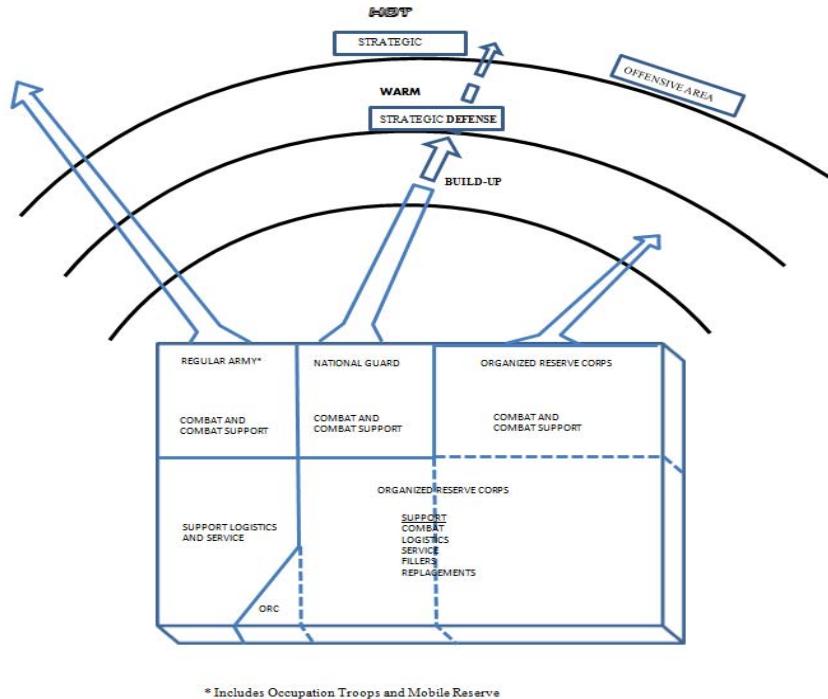


Figure 2 The Organized Reserve Corps Model.
Source: Gray Commission, Reserve Forces for National Security, Government Printing Office, Washington D.C., June 1948, 34.

Figure 2 represents a model of the Organized Reserve Corps (ORC), today's United States Army Reserve (USAR), as described in the 1948 Gray report. Three levels of preparedness are indicated by the buildup, warm and hot bands. The Regular Army is responsible for maintaining a level of readiness that encompasses all levels. The National Guard maintains a minimal deployment preparedness level through the build up phase,

but is ready to initiate necessary preparation to complete the train up as the strategic reserve through the warm and hot bands. The ORC provides primarily combat service support roles through the build up for all forces and then would fill the National Guard's domestic homeland security mission in their absence.

According to the study, relatively low levels of funding and few periodic training events did not provide the NG with enough practical training events to perform up to standard in the execution of combat tasks. The problem, as the Gray commission reported, was that the Guard could not train and accomplish its combat mission when tasked with State support missions. Therefore, Gray suggested the ORC could fill the gap while the Guard trained and mobilized. The report also recommended that, "civil defense is, and should be a civilian function."¹ This required establishing categories of vital or important facilities and key infrastructure requiring protection, which would be the responsibility of certain federal agencies.

The arguments for the ORC created dissension among the active, reserve and National Guard communities. Powerful lobby organizations such as NGAUS and AGAUS and respective active and reserve lobby organizations were becoming firmly entrenched and building political strength following World War II that continues to the present day. The important issue to emphasize here is that these organizations focused on promoting the interests of their respective branch. In analyzing the impact of these lobbies, it is clear that they contributed to both the success and the division of the three branches. A solution to roles and responsibilities is essential and current doctrine is moving in that direction.

Army doctrine development since the QDR in 1997 and evolution toward the recent 2006 version resulted in the NG facing new and challenging concepts for the organization.

Reserve Components The reserve components, in addition to being essential participants in the full range of military operations, are an important link between the Armed forces and the public. Mobilization of the Reserve Components has always been an important indicator of the commitment of national will. Guardsmen and reservist[s] are not only integrated into war plans, but also provide critical skills in carrying out contingency operations, as well as augmentation and supporting active units during peacetime. National Guard and other Reserve Component elements also provide the National Command Authority with [a] strategic hedge against uncertainty and with an organized basis to expand our Armed forces if necessary. Additionally, they also provide a rotational base to ease the tempo of units and individual deployments for the Active Component.²

However, the National Guard's individual and unit tempo cannot be disregarded within the context of this evolving doctrine. In 2006, General Peter J. Schoomaker, the 35th Army Chief of Staff, said before a congressional commission, "The Army is incapable of generating and sustaining the required forces to wage the global war on terror ...without active, Guard, and reserve [components] surging together."³ To relieve the building pressures of sustained combat, the Army devised the Army Forces Generation Process (ARFORGEN). The ARFORGEN process is a detailed three-phase system including both personnel and equipment and is described within the context of what follows.

The reliance on the NG as the operational reserve affects the domestic and global security of the United States. As described by the Gray Report there currently is the USAR, however, no strategic reserve. What does this mean? As the operational NG units deploy, the ability to respond to domestic and further international crises degrades.

Secondary Research Question 1

How does the 2006 National Security Strategy affect the use of the National Guard as an Operational Reserve versus Strategic Reserve and its impact on lifecycle and longevity?

In the 2006 National Security Strategy, President George W. Bush wrote, “Our national security strategy is founded upon two pillars.”⁴ The first of the two pillars focuses on promoting democracy, ending tyranny and extending worldwide prosperity through free trade and open markets. The other focuses on threats from pandemic disease, terrorist acts, natural disasters and proliferation of weapons of mass destruction (WMD). The nine basic elements of the NSS encompass a staggering range of missions and objectives. This is achieved by a well-defined and concerted effort, including a substantial contribution from the NG. The ever-shrinking world places an increasing responsibility on the NG, its units and soldiers.

The 2006 NSS indicated that the US will “engage the opportunities and confront the challenges of globalization”, therefore, an analysis of Thomas L. Friedman’s globalization theory is necessary to bring to light some of the potential threats made possible by an ever-shrinking technological world. As the operational reserve, NG units conduct frequent combat train up and deployment cycles and upon return to CONUS, intensive follow on training for domestic homeland security missions. This follow on training is becoming more intense and technical due to the expanding threat and contingencies, therefore the NG must prepare to meet that threat. Friedman theorized several elements that have the potential to increase security risk.

An individual's ability to conduct surreptitious activity through the internet is exponentially increasing. In 1965, Gordon Moore, founder of Intel theorized that every 18 to 24 months the speed of computers doubles and their price halves, which explains this exponential development. The increase in technology and affordability has increased the desire of emerging state actors and non-actors to compete in the legitimate and black market economies of the world. The access to affordable technology will continue the diversification of potential security risks. This increased economic competition translates to a shift from such Cold War mentalities of mutually assured destruction and theory of deterrence to evolving doctrines of global manipulation through information technology. The terrorist organizations have conducted a much more effective campaign at misinformation and propaganda. As technology becomes available throughout the world, the walls will continue to go down and the potential for security risks increase.⁵ These walls represent the physical movement of people to the technologically interconnectedness of the world. How does this affect the NG? These security risks increase the reliance and response of NG units in support of both domestic and overseas missions.

Friedman's theory has implications for the development of future conflict between not only global powers, but also increase the likelihood of regional conflicts that could have global implications. It is important to analyze this because it increases the need to call on our operational reserve to support future worldwide missions. This could then lead to reliance upon limited local and state resources and federal troops for domestic homeland security. Civil authorities may become overwhelmed by a

combination of natural or manmade disasters, terrorist events and resulting civil unrest. The aggressive deployment schedule degrades the NG's ability to provide suitable and timely support to communities and civil authorities in times of need. The Army leadership identified the ARFORGEN process as a way to facilitate deployment rotations while maintaining response capability.

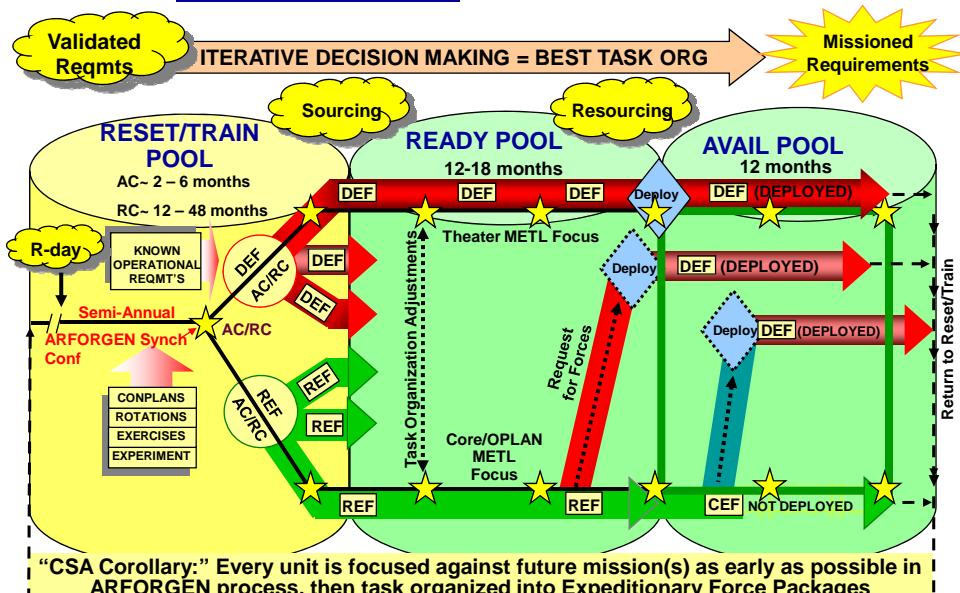
The ARFORGEN process is a force management tool, which cycles units, personnel and equipment through three separate phases. The Reset/Train force pool follows the deployment and consists of re-equipping, re-training and allowing the soldier "dwell" time at home. The dwell time is important as NG units are experiencing short dwell times for critical specialties and extensive training for domestic homeland security missions and professional development. These all combine to degrade the soldier's bonding time with their family and integration back to his or her civilian job and community. While in the Reset/Train phase, units are available to support domestic missions. This availability restricts the time available for individual training, professional education, command changes and overall recovery. Once the Reset/Train phase is complete after the designed 12 to 48 months, units move into the Ready Force pool.

The Ready Force pool period consists of collective and mission training and units are eligible and available for emergency and contingency mobilizations. This means that units could potentially deploy in support of worldwide contingencies on short notice. The impact of short notice deployments affects the commitment to training for specific domestic homeland security tasks and conducting operational mission support. The

phase is complete after an additional programmed 18 months or a total of as much as 66 months elapsed since the beginning of the model and units then move into the Available Force pool. In this phase as units enter the fifth year of the cycle, they are considered fully mission capable and available for worldwide deployments.

The ARFORGEN process has been dramatically shortened in order to provide sufficient forces, both Active, Reserve and Guard, to support the combatant commanders' requirements. For example since 2003, two units, the 72nd MP Company and 1/168th Air Ambulance Company, Nevada Army National Guard, deployed in support of the GWOT three and four times respectively. While this is the evolving standard Army wide, the increased pressure on NG units to support the operational reserve and domestic homeland security missions is rising.

Requirements-Based Construct



Accepted Paradigm: "Ready for What = Resourced for What = Report Readiness Against What Metrics"

Figure 3 ARFORGEN Process.

Source: F100 Managing Army Change, US Army Command and General Staff College, Fort Leavenworth, KS, July 2007, F107AA-4.

Equipment progressing through the reset process of the ARFORGEN cycle causes problems with the lifecycle of units. Although fielding plans are in place, NG equipment procurement remains at the lower end of the priority. This is mitigated to a certain extent by a percentage of States that are willing to procure equipment and upgrades, funded from very restricted state budgets. The reset process attempts to mitigate this effect.

While the reset process itself has developed into a model of efficiency, the delay of equipment and modifications continue to hamper the return of equipment to the field. Active duty units are provided equipment staged in the combat zones. The Army Sustainment Command is responsible for providing training sets and returning serviceable equipment to all units in CONUS. The issue relevant to NG units is the Governor's reliance upon their units to assist with the domestic homeland security missions and, therefore, their equipment cannot remain in the combat zone. Cross leveling of equipment looms as a foreboding sign of the degradation of NG equipment and capability. For example, the Alabama and New Jersey ARNG aviation units were recently required to receive or transfer aircraft to support overseas deployments. This indicates a trend in cross leveling of critical equipment. As figure 4 indicates, the increase in operational use of equipment beyond normal peacetime levels will have long-term effects on equipment reliability.

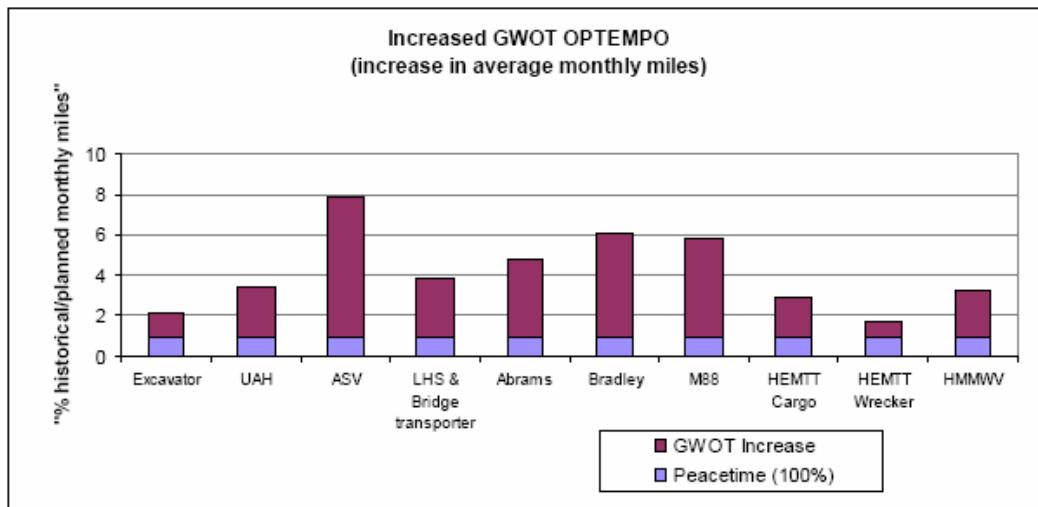


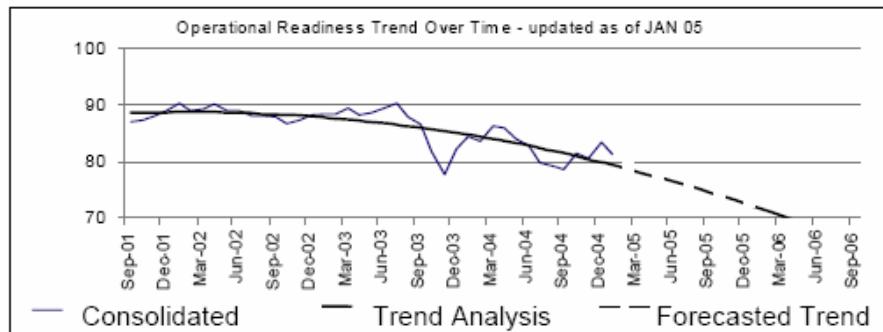
Figure 4 GWOT Operations Tempo.

Source: Military Operations Research Society Presentation, USMA West Point, NY, June 2005, slide 5.

Data released in 2005 indicated that at that point in the GWOT, 40 percent of the Army's equipment had deployed. Procurement funding reaches into the billions, \$10 billion in FY05, and roughly 30 to 35 percent of that was committed for recapitalization (RECAP) and replacement. Three years later, these numbers have increased nearly 10 percent. This indicates the increased cost of maintaining, repairing and providing replacements to NG units preparing for both OIF and OEF rotations and domestic homeland security missions. Even following the eventual departure of US forces from Iraq and Afghanistan, this spending for RECAP and replacement will continue for a minimum of two years. Figure 5 shows the decline in overall equipment Operational Readiness (OR) rate based upon continued operational use. The potential problem is the inability of the RECAP or Reset process to keep up with the increased utilization rates.

The previously mentioned cross leveling of equipment also affects soldiers and will have a detrimental effect on the quality and completeness of training.

Trend since 9/11:



Total Fleet OR Trends are declining.

Figure 5 Total Army Vehicle [Fleet] Operational Readiness Trends.
Source: Military Operations Research Society Presentation, USMA West Point, NY, June 2005, slide 5.

Individual and collective training has not been readily available for the NG soldier. Soldiers are waiting months for initial and MOS courses, which limits their ability to conduct collective training. Training development and preparation also reflects the recent change in doctrine, which is to engage in full spectrum operations. Domestic homeland security and civil military support missions are secondary, as the primary training mission for all military units is to prepare for their wartime mission. The ARFORGEN process theoretically allows soldiers and units the structure and time to meet these challenges, yet is not utilized as originally designed. See Appendix A, figure 12. The process also neglects the often times specialized nature of NG units when supporting domestic homeland security. The training link between the operational

Revolution in Military Affairs (RMA) and homeland security RMA requires examination.

The Guard in its 371-year history is associated with a series of RMAs. An RMA is a combination of organizational, doctrinal and technological innovations or changes that have a significant impact on an army's employment on the battlefield. These RMAs required the assembly of a complex mix of tactical, organizational, doctrinal, and technological innovations in order to implement a new conceptual approach to warfare or to a specialized sub-branch of warfare.⁶ A component of the current RMA is the US Army's transformation to the Future Combat Systems (FCS). The NG is in the midst of an RMA both as the operational reserve and as an integral part of the domestic homeland security mission. NG units and soldiers operate conventional as well as non-conventional systems.

Beginning in 1986, NG units began conducting a variety of counterdrug missions in support of President George H.W. Bush's war on drugs. Since then, the Guard has been on the leading edge of commercial off the shelf (COTS) equipment such as forward looking infrared cameras, gyro-stabilized binoculars, specialized digital communications equipment and state of the art information downlink and surveillance equipment. The NG has historically operated, and now routinely operates, this type of equipment and while it is often associated with Special Forces units, it is now commonplace with active duty line units. This equipment, and additional associated training requirements during the Reset/Train and Ready phases of ARFORGEN, places increased demands on NG soldiers and units. Units must train using two separate and distinct mission essential task

lists. These demands affect the long-term stability of those units and their capability to support the operational reserve and domestic homeland security missions.

The NG supports both domestic homeland security and global homeland defense to a different degree than its active duty partners do. The argument then follows that, National Guard forces, tasked repeatedly with combat deployments and maintaining an aggressive OPTEMPO at home, will mark a return to the same inconsistency in performance, which existed prior to the Gulf War. How does the Guard as an operational combat force and domestic homeland security force support the Governor's emergency management plan? It is important to consider the long-term effects of continuing a 15 or even 12-month deployment cycle and maintaining an effective force within the states to support counterdrug, border security, civil disturbance and natural disaster responsiveness. These factors all combine to affect the lifecycle and longevity of NG units.

Secondary Research Question 2

What is the effect on communities and civil authorities as National Guard units perform multiple operational combat rotations and continue to respond to civil emergencies such as terrorist events, domestic disturbances and natural disasters?

The US capability to mount a suitable defense against such possibilities has evolved since September 11, 2001. Enacting this organizational change has implications for the Active, Reserve and National Guard. Organizational change, or rather a change in organizational mindset, would require the Active, Reserve and NG to accept changing roles and duties in response to national security and Constitutional law. This logic works

well if there are no major combat operations ongoing at the time and a small percentage of the Guard and Reserve forces committed to Peacekeeping Operations (PKO). Our National Security Strategy as well as numerous strategy derivations stresses the need for our forces to be able to conduct “full spectrum operations”.

The NG is confronting the challenge to secure information technology and harness information operations at home and abroad. Therefore, the NG faces potential catastrophic events emanating from potentially millions of sources. The manipulation of information operations by terrorists throughout the media, primarily the internet, could challenge the NG in its conduct of both combat operations and domestic homeland security missions. Misleading internet and media messages sent during a natural disaster could delay or even prevent NG search and rescue operations. The NG encounters these security threats domestically and globally.

The 1992 Los Angeles riots occurred following the exoneration of LA police officers in the beating of Rodney King and because of racial tensions between the large gang population in the city and government officials. The military at the time maintained a presence in Kuwait and Saudi Arabia enforcing no fly zones in Iraq through Operation Southern Watch, Provide Comfort and Safe Haven. However, Guard involvement in overseas combat operations was minimal resulting in a focused effort on training for combat and domestic civil support tasks. Following a limited effort during Operation Desert Storm, the Guard, specifically the 40th Infantry Division, California Army National Guard (CAARNG) mobilized over 10,000 soldiers to support Governor Pete Wilson’s request to help quell the rioting in Los Angeles.

Following the verdict on April 29, peaceful demonstrations turned violent and after five hours, Governor Wilson called the Adjutant General for help. Beginning on April 30 an initial force of 2,000 CAARNG soldiers reported to armories located throughout the Los Angeles (LA) basin and by that evening 1,000 were assisting police and sheriffs with restoration of law and order. Throughout the crisis the CAARNG presence on the streets of LA grew to approximately 7,000 with 3,000 in reserve. City officials felt the crisis was becoming uncontrollable and the CAARNG did not respond fast enough. Yet, the Guard responded within 17 hours of initial notification. Whereas, the active duty response was not evident for nearly 48 hours, with forces arriving on May 2nd. Officials underestimated the Guard response and capability. Major General James Delk, CAARNG deputy Adjutant General, stated “The mission had been accomplished before [active component forces] arrived.”⁷ In the end, only 800 marines were deployed on the street to support restoration of law and order.

The Guard was ideally suited to perform this mission as most lived in and around the city and a significant number of the Noncommissioned Officers involved were Los Angeles police officers. Soldiers watching the events unfolding on the news reported to armories voluntarily in anticipation of the mobilization. The immediate response of these citizen soldiers proved the capability of the Guard. Ultimately, the Guard, working side by side with LA Police and Sheriffs Office Deputies established a presence and assisted with the return of calm within Los Angeles. In the end, the officials in Los Angeles were reluctant to release the military because their efforts created an environment where

“people let their children play in the streets, and some older folks felt for the first time in years that it was safe enough to walk to the store.”⁸

This event demonstrated the Guard’s ability to react to a major event under the auspices of military support to civil authorities and competently serve to meet the objective of returning control to the local government. Police and local communities were grateful for the presence of the NG. Delk states, “By the fourth day after troops had deployed, the crime rate had dropped below its usual level by more than half.”⁹

The CAARNG leadership encouraged initiative and as a result, first line leaders coordinated for the use of busses for transport of soldiers and police officers. This was an important element as the 40th ID at the time used tracked vehicles as their primary method of transport, which if used would have caused severe damage to city roads. Leaders executed decentralized control due to the vast geographic distances and then integrated seamlessly with civil authorities. Officials briefed detailed rules of engagement and junior leaders enforced them throughout the action. Guardsmen fired only 22 rounds during the riots. This demonstrated the clearly defined rules of engagement and adherence to discipline enforced by competent and qualified first line leaders.

One other element of the riots was the President’s use of the Insurrection Act. “The Insurrection Act has been used to send the armed forces to quell civil disturbances a number of times during U.S. history, most recently during the 1992 Los Angeles riots.”¹⁰ President Bill Clinton decided it was necessary to call on the 7th ID stationed at Fort Ord and Marines from Camp Pendleton. Fortunately, the CAARNG, in support of the civil authorities, was able to return the city to relative calm before federal forces were

necessary. Of note however, is upon the arrival of the active component, CAARNG forces were federalized under Title 10. This caused confusion within the active duty chain of command as to whether or not the forces were subject to Posse Comitatus. President Clinton's use of the Insurrection Act removed the restriction of Posse Comitatus, however, military mission support dropped to 20% as a result.

Even during times when NG units are not involved in overseas combat missions, the President has called upon Title 10 forces for support. Yet, in this example where the 40th ID was not engaged in an overseas mission, they responded quickly and with a sizable force to assist with the establishment of peace and order in less than three days. However, it would take a substantially larger effort to react to and recover from the effects of Hurricane Katrina.

“Hurricane Katrina is the largest domestic relief operation mounted to date within the United States, and the second and third order effects on the Army have yet to be realized. Army units are force providers in disaster relief operations.”¹¹ During Hurricane Katrina, clearly one of the worst natural disasters the United States has ever faced, a concerted effort of multiple military entities converged on the central gulf coast to provide assistance and support following the hurricane. In the days following the aftermath of Katrina, 50,000 National Guard soldiers and units from 38 states, 22,000 Active Army soldiers, thousands of Coast Guardsmen, thousands of U.S. Navy personnel and equipment and a score of civil agencies descended to provide relief to the people of the region. At the same time, National Guard forces were conducting missions in Iraq, Operation Iraqi Freedom; Afghanistan, Operation Enduring Freedom; Operation Noble

Eagle and Kosovo, Operation Joint Guard. However, Units from the Louisiana Army National Guard (LAARNG) were not available. “An entire brigade of the Louisiana National Guard was activated and conducting nation building operations in Iraq in August 2004 when the hurricane devastated New Orleans. The brigade was unavailable to respond.”¹²

Governor Kathleen Blanco attempted to recall the brigade and 4,000 guardsmen from their federalized status in support of OIF. Unfortunately, what the governor failed to realize was that there was nothing she could do to recall her federalized NG unit and soldiers. LAARNG soldiers were unavailable to support the governor’s call for help. Hurricane Katrina was a clear example of the need to develop a contingency plan for deployed NG units. Fortunately, due to the scope of the event, nearly all 50 states NG’s contributed support in addition to other DoD elements. The critical consideration resulting from this event is the commitment of the NG and whether or not it can continue to execute 13 plus operational deployments and remain proficient in the role as the domestic homeland security force and operational reserve. The legal implications on the response to Katrina and unique roles limited by law of federal and state forces also affected the recovery.

In 1996 Public Law, 104-321 created Emergency Management Assistance Compacts (EMAC), which enabled cross state cooperation and response in the event of a disaster. The National Emergency Management Agency administers the EMAC process, and since Katrina has been accepted by all US states and territories. EMAC’s were instrumental in the massive response to Katrina. Article I of PL 104-321 outlines the purpose, which is:

The purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency disaster that is duly declared by the Governor of the affected state, whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack. This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.¹³

The biggest benefit resulting from the EMAC is the rapid response capability in the event of a disaster. Once a Governor declares an emergency and the EMAC process is put into action neighboring states can respond immediately. Yet, the law places a restriction on command and control. Article IV specifies that assisting emergency forces are under the command and control of their regular leaders and only under the operational control of the receiving state.¹⁴ In addition, states providing support must do so at their own expense, however, with the exception of a presidential disaster declaration under the Stafford Act.

It is important to examine the constraints of both the Stafford Act and the Posse Comitatus Act as they affect the use of both federal and state forces during domestic emergencies. The Robert T. Stafford act authorizes the President to activate certain support roles that the military can fulfill.

It provides statutory authority for employing the U.S. armed forces for domestic disaster relief. Permitted operations include debris removal and road clearance, search and rescue, emergency medical care and shelter, provision of food, water, and other essential needs, dissemination of public information and assistance regarding health and safety measures, and the provision of technical advice to state and local governments on disaster management and control.¹⁵

However, this does not remove the limitation of Posse Comitatus and the restriction of federal forces from performing law enforcement duties. During Katrina, Title 32 National Guard forces were not subject to the Posse Comitatus Act and could support law enforcement actions. LTG Russel L. Honore was quoted berating a National Guard soldier who was armed with an M-16, “We’re on a rescue mission damn it!” The soldier on Title 32 status was indeed enforcing the rule of law and not on a rescue mission. The issue has the potential for confusing roles and restrictions when combining federal and state military forces. The trend appears to be focusing the NG on its newly created role of operational reserve and Title 10 duties.

Title 10, US Code states,

the purpose of each Reserve component is to provide trained units and qualified persons available for active duty in the Armed Forces in time of war or national emergency, and at such other times as the national security may require, to fill the needs of the armed forces whenever, during and after the period needed to procure and train additional units and qualified persons to achieve the planned mobilization, more units and persons are needed than are in the regular components.

The absence of 4,000 LAARNG soldiers because of the OIF deployment had an impact on the initial response to Katrina. Citizen soldiers were unavailable to support their state and city. Had those units been available, their immediate response could have saved more lives. Significant climate change events such as Katrina have the potential for becoming more frequent and intense, which will increase the probability for confusion between federal and state roles.

Global climate changes indicate the probability for increased natural disasters worldwide. The Intergovernmental Panel on Climate Change (IPCC) concludes, “the

range of published evidence indicates that the net damage costs of climate change are likely to be significant and to increase over time.”¹⁶ The Environmental Protection Agency (EPA) has also indicated that the frequency and severity of tropical storms and hurricanes has increased since the 1970’s.¹⁷ The NG is ideally suited to respond to events from small to large scale and is often times the first responder. The events can overwhelm small community jurisdictions and therefore rely upon the local NG unit, usually filled with the local community members, to support at a moment’s notice. These units are on the leading edge of responding to the effects of global climate change and as a result increased reliance on exhausted soldiers. Public opinion of the military especially following rescue efforts such as Katrina and heroic efforts in the GWOT reside at the highest level; however, due to the increasing OPTEMPO there are indicators of a subtle change in citizen attitudes.

There have been downward trends in retention and a lack of interest toward military service. This is a cause for alarm and is potentially attributed to the OPTEMPO during which repeated deployments result in time away from families and communities. These trends may continue as Guard forces deploy in support of overseas while faced with potentially more domestic homeland security missions. Parents discouraging their children from military service indirectly impacts on our homeland security. Local communities could suffer severe consequences during disasters as young adults reject serving in the NG. Figure 6 demonstrates that decline.

There is debate about the decline of civic virtue by the American populace. A potential indicator of a lack in civic responsibility for homeland security relates back to

the abolition of the two year mandatory ROTC at all land grant universities following Vietnam. This event may have lead to the decreased ability of NG units to support either the operational reserve or domestic homeland security missions. Dr. Cottrol proposes there should be a method to provide for internal security during times when local and state emergency management organizations are overwhelmed and the military is unavailable.

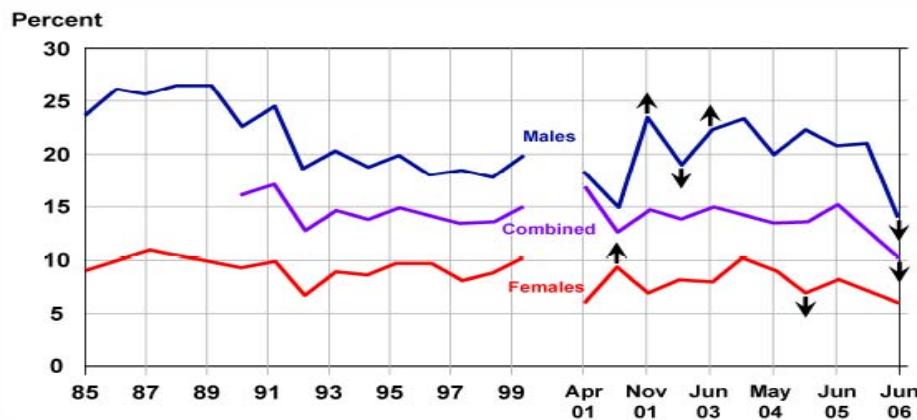


Figure 6 Military Propensity For 16 To 24 Year Olds.
Source: Department of Defense, Youth Attitude Tracking Study, 1985–1999, and Youth Poll, 2001–2006.

Secondary Research Question 3

Will the Guard be there to support local and state emergency management agencies in every instance? See Appendix A, figures 13, 14, 15.

Public Law 107-296, the establishment of the Department of Homeland Security, and Homeland Security Presidential Directive 5 (HSPD-5), do not mention the National Guard responsibilities with respect to homeland security. Perhaps this was an oversight, or possibly because the Guard and its role has been established by constitutional

amendment. However, with the ongoing confusion over who is responsible for responding and in what manner to domestic homeland security events, it would seem prudent to identify those responsibilities as a cursory reminder of what the NG can provide. This is not to say that the NG is not involved in the process, it does, however, send a signal to those unfamiliar with the NG capabilities that they may be an afterthought when it comes to domestic homeland security.

Terrorism affects civilians and soldiers not only the combat zones, such as Iraq and Afghanistan but also has implications for domestic natural disaster events. As potential first responders, the NG must also be prepared to respond to acts of terrorism. In a report released by the DHS, even though terrorists are unlikely to exploit the events of a major disaster such as Katrina, if they did, there would be serious implications for the recovery of any region affected. Post disaster scenarios would likely be an opportune time for terrorist to strike. Terrorists could spread chemical or biological agents in the food or water supply and conduct an information campaign designed to cause panic and increased civil disobedience.

The Guard must prepare for these contingencies. Guard soldiers must also train for search and rescue, firefighting, evacuation, medical care, security, engineer support and food and water distribution missions and response to the civil strife that usually follows a major disaster. The increased reliance upon the NG as an operational reserve and domestic homeland security force has implications for long-term trends in recruitment and retention.

Research analyzed the NG recruiting numbers for the past several years and while the goals have been met, trends are inconclusive. Incentive programs are in place to stem any downward trends, including re-enlistment bonuses, deployment bonuses, military occupational specialty (MOS) bonuses and education bonuses. With a looming economic crisis and possible recession coupled with a new presidential administration, the implication for the future of the military budget appears uncertain. Potentially, this could result in a down turn in retention and recruiting numbers. This translates into a subtle trend in the loss of experienced soldiers and increased training requirements for new soldiers.

As security threats are assessed and action plans implemented it then becomes necessary for the civilian and military leadership to establish a “target” priority list. The strain of supporting civil authorities with securing borders and the hundreds of thousands of soft targets consisting of everything from water treatment plants, power generation stations, and electrical substations, hydroelectric facilities to shopping malls and sports arenas is potentially overwhelming. It then becomes a chess game, which plant is guarded and which is unprotected. Given the number of personnel and equipment available tough choices need to be made. Therefore, the reliance upon the National Guard for homeland security could exponentially increase to mitigate the risk of not protecting the expansive list of potential targets.

US political, economic and military development influenced the utilization of the National Guard as a domestic homeland security and homeland defense force since its inception. The National Guard marked its beginning and defined its existence through

political influence as well as peacetime and combat experience. Organizations such as the National Guard Association of the United States (NGAUS) and The Adjutant General Association (AGA) have proved to be powerful political lobbies. These organizations can affect change within the NG. The recent congressional confirmation of General Craig McKinley as the 26th Chief of the National Guard Bureau and member of the Joint Chiefs of Staff (JCS) also provides the NG with a powerful ally at the DoD bargaining table. This political influence is critical to refocusing the military leaders and legislators on the roles of the NG and repercussions of increasing utilization.

Summary and Conclusion

The research analyzed whether the increased OPTEMPO affected the NG ability to perform as an operational reserve and continue to support domestic homeland security. History has clearly shown that the NG has been tasked with the role of traditional state militia constitutionally established to repel invasion, suppress insurrection, and enforce the laws of the land when necessary and then only when necessary become federalized and mobilize to deploy overseas. The scope of the missions for the NG has increased over the past 371 years. The 2006 QDR has redefined the use of the NG as an operational reserve. The performance of the NG in recent years has demonstrated the professionalism and quality of soldiers and a continued reliance upon it by state and federal leaders. The doctrine and increased demands on NG units as well as competing RMA's, lack of a standard ARFORGEN process, cross leveling of equipment and personnel combine to degrade the capability of the NG to support operational reserve and domestic homeland security roles. Public perception of the ongoing conflict has resulted

in an unwillingness to recommend military service and the potential for decreased recruitment and retention. Global climate change increases the operational response and resource demands on the NG, further depleting their response capability. A solution defining the NG's boundary of responsibility and provide for the security of the nation is necessary and prudent.

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⁶ Knox and Murray, *The Dynamics of Military Revolution 1300-2050*, Cambridge University Press, 2001, 12.

⁷ Ebbighausen, John H., Unity Of Command For Homeland Security: Title 32, Title 10, Or A Combination, MMAS Fort Leavenworth, KS, 2006, 52.

⁸ Desch, Michael C., *SOLDIERS IN CITIES: Military Operations in Urban Terrain*, Strategic Studies Institute, 2001, 95.

⁹ Delk, James D., *Fires & Furies: The L.A. Riots, what really Happened* (Palm Springs, CA: ETC Publications, 1995), 222.

¹⁰ Elsea, Jennifer K., CRS Report for Congress, *The Use of Federal Troops for Disaster Assistance: Some Legal Issues*, 16 Sep 2005, CRS3.

¹¹ Initial Impressions Report, *Disaster response, Hurricanes Katrina and Rita*, Center for Army Lessons Learned, page iv, No 06-11, Feb 2006

¹² Mordan, Jon B., The National Guard's Dueling Banjos: Federal Hegemony v. State Sovereignty, Air Command and Staff College Air University Maxwell Air Force Base, Alabama April 2006, 13.

¹³ PL 104-321, 1.

¹⁴ Ibid, Article IV.

¹⁵ Elsea, Jennifer K., CRS Report for Congress, *The Use of Federal Troops for Disaster Assistance: Some Legal Issues*, 16 Sep 2005, CRS4.

¹⁶ Climate Change, <http://www.epa.gov/climatechange/basicinfo.html>, website (accessed 18 November 2008).

¹⁷ Ibid.

CHAPTER 5

FINDINGS AND RECOMMENDATIONS

Introduction

The purpose of this research was to examine the dual roles and functions of the National Guard as it transitions from a constitutional role as a strategic reserve to an operational reserve and domestic homeland security force. This chapter will begin with a brief summary of the research, followed by findings and recommendations. The recommendations illuminate areas for further study and action.

The research examined a brief historical overview of the evolution of the NG as well as constitutional law, legislative actions and executive influence over the past 371 years. Throughout the course of US military history, the NG has had important roles in both a federalized and state status. Legal restrictions influenced the application of military power by the NG. The research differentiated between the use of military power in Title 10 and Title 32 status and Posse Comitatus Act. Political and military leaders throughout US history have attempted to find a solution to providing national security without the need for a large standing army. In the early years of the NG, manning, equipping and training was limited by legislative and military leaders. NG participation either as individuals or as units in every conflict proves the need for such a reserve organization. This increasing reliance may reduce the NG's effectiveness and long-term stability. Powerful political lobbies represent the National Guard in the interest of preserving not just resources, but roles, responsibilities and significance in service to the nation.

Findings

Response

The increased reliance upon the NG to support domestic homeland security and still conduct operational missions will degrade the Guard's ability to respond to both. The analysis explained the continued operational use of equipment, the repeated cycle of deployments and the failure to follow the designed ARFORGEN process. Clearly, the repeated deployments and reduced dwell time for NG soldiers upon returning home has a crushing effect on units and soldiers. Retention numbers have steadily declined since the late 90's and when associated with the downturn in propensity to consider military service, this indicates potential for reduced capability in NG units. "As Table 1 makes clear, over the past decade, from fiscal year 1997 to fiscal year 2006, all the DOD reserve components have seen a decline in the proportion of prior service enlistments. In several cases, including the Army National Guard, the decline is by more than 20 percentage points."¹ The designation of the NG as the Army's operational reserve not only brings into question what constitutes a strategic reserve but also who or what is capable of backfilling the Guard when deployed.

Table 1 Prior Service Reserve Enlistment Trends

Army National Guard	61.1	53.4	54.3	48.4	46.6	48.1	44.9	44.3	44.9	38.5
Army Reserve	59.3	59.7	56.9	53.5	39.8	46.7	46.0	50.1	45.9	51.9
Air National Guard	68.7	60.7	58.7	52.3	46.9	48.9	47.0	49.0	53.1	54.2
Air Force Reserve	N/A	82.7	82.4	77.6	71.7	61.7	60.7	65.5	76.2	69.7
Navy Reserve	100.0	N/A	85.3	80.7	81.7	67.6	60.9	76.5	63.8	64.6
Marine Corps Reserve	50.4	40.5	38.2	35.3	35.2	41.5	25.0	25.3	29.0	27.0
Fiscal Year	97	98	99	00	01	02	03	04	05	06

Source: Derived from Reserve Component (Selected Reserve) Enlisted Recruiting data provided by the Office of the Deputy Assistant Secretary of Defense for Reserve Affairs (Manpower and Personnel), October 27, 2006.

Reset

NG equipment is in ongoing phases of reset, indicating that much of the equipment is unserviceable and unavailable. This equipment remains in the reset process for as much as a year following a unit's return from combat. The Army's operational use of equipment overall has resulted in two disturbing paradigms. First, Active units are leaving equipment in the combat zone for arriving units to utilize. This places increased pressure on the reset process and the Army Sustainment Command to provide equipment and training sets for units upon return to the US. Second, NG units do not utilize this system due to the limited number of equipment in NG inventories, on average 69 to 73 percent of authorized levels and the necessity of state Governors to support domestic homeland security missions with that equipment. Therefore, while cross-leveled equipment to support unit mobilizations is used, it further reduces readiness.

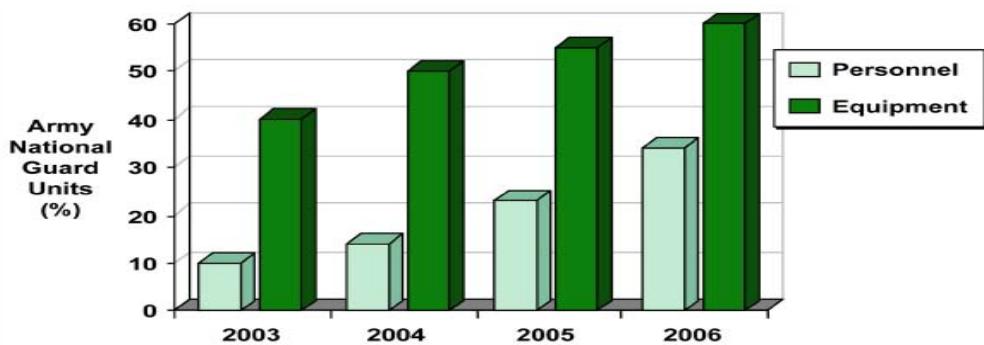


Figure 7 Average Percent Cross-Leveled to Build Deployable Army Guard Units
Note: Equipment includes items from National Guard and other Army and theater sources.

Source: Staff analysis of data provided by National Guard Bureau, Readiness and Logistics Divisions, January 2007.

The increasing operational use and requirement to support domestic missions has two considerations. Governors rely on their NG units to support the state in times of need; however, equipment is steadily being worn out. Guard units deploy with this equipment to support the operational reserve mission. Delayed equipment fielding plans combine to degrade the ability of the Guard to sustain both operational and domestic missions. There is a fundamental flaw, which requires other units to provide equipment, in order for deploying units to fill the required Modified Table of Organization and Equipment (MTOE). Cross-leveling critical mission essential equipment, like helicopters, degrades the NG's operational reserve and domestic homeland security capability.

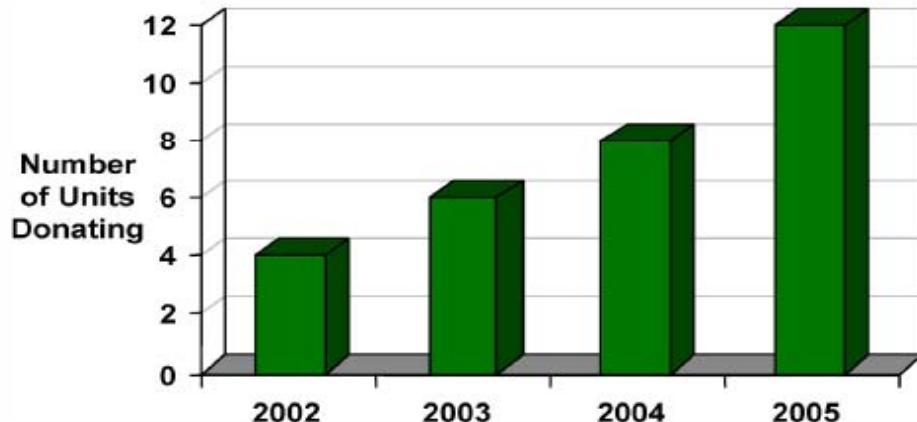


Figure 8 Ave Number of ARNG Units Contributing Equip to Fill One Deploying Unit
Note: Average Number of Army National Guard Units Contributing Equipment to Fill One Deploying Unit
Source: Data provided by National Guard Bureau Logistics Division, January 2007.

State Mission

Communities suffer from the absence of NG soldiers and units. States continue to rely on the NG to assist in the recovery from natural disasters such as Katrina. A large number of LAARNG soldiers were unavailable to assist their fellow Louisianans in the aftermath. Figure 9 explains the difference between the federal and state role of NG units. Governors have immediate response capability with their NG. Guard units respond rapidly and are not subject to the Posse Comitatus Act while in a state or federally funded Title 32 status. However, their federal role requires a presidential declaration and activation under Title 10, which results in restrictions under Posse Comitatus. While the Act only affects the support of law enforcement actions, NG units are more flexible when under state controlled Title 32 status.

	State Role		Federal Role
	State Funded	Federally Funded	Federally Funded
Command and Control entity	Governor	Governor	President
Mobilization authorities used	In accordance with state law	Title 32 (32 U.S.C. §502(f))	Various Title 10 authorities
Where deployed	In accordance with state law	United States	Worldwide
Mission types	In accordance with state law	Training and other federally authorized missions	Overseas training and as assigned after mobilization
Examples of domestic missions	Forest fires, floods, civil disturbances	Post-9/11 airport security, Hurricane Katrina, southwest border security	Air sovereignty, missile defense, guarding DOD infrastructure
Support law enforcement activities	Yes	Yes	As limited by Posse Comitatus*

Figure 9 State Versus Federal Role

Source: GAO analysis (GAO-07-60,10.)

A unique bond exists between the guardsman and the community they serve. “Throughout the Guard’s history, motivated citizen-soldiers have volunteered for many

of the same reasons—the fondness of military lifestyle, opportunities for self-improvement and adventure, a sense of camaraderie and friendship, family traditions, and the satisfaction of genuine service to their local community, State and nation.”² These citizen-soldiers live, work and play in the communities they support and are an integral part of the local emergency response capability.

ARFORGEN

The ARFORGEN model does not include contingency planning for the operational mission of NG units while in the train up/reset phase. While intentional adjustments have been injected into the ARFORGEN model, the unique NG characteristics are overlooked. Dwell times, train up periods and overall preparation phases throughout the process have been reduced by as much as 75%. This is true in the Active Army as well as the Reserve as units deploy multiple times within the designed five-year ARFORGEN cycle.

The unique NG characteristics include mission essential task lists (METL) and integration back into the guardsman’s civilian job. A dual METL consisting of combat training tasks and domestic homeland security tasks as well as civilian job skills requires more time to accomplish. Reacquiring domestic security tasks typically falls within the 48-month Reset/Train phase. When this phase is reduced to as little as 6 months the result is robbing time from families, individual tasks, professional development, domestic mission support and recovery from the previous operational mission.

ARFORGEN as the “Drive Train”

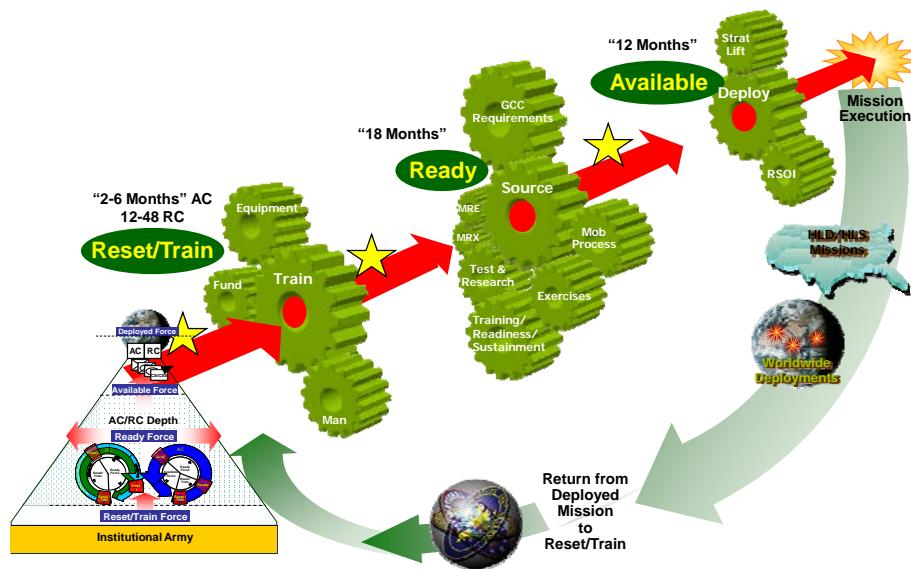


Figure 10 ARFORGEN Drive Train

Source: F100 Managing Army Change, US Army Command and General Staff College, Fort Leavenworth, KS, July 2007, Presentation Slide 7

Civic Duty

A trend is occurring within the younger generation to ignore any responsibility for civic duty. Parental and personal proclivity to either recommend military service or pursue military service is declining. As Figure 6 illustrated, there has been a decrease in propensity for military service of as much as 10% for males and 5% for females since April 2001. Combined the decline is nearly 10%. There is a potential cultural shift away from civic responsibility and dedication. This could translate into even lower recruiting numbers. Figure 11 demonstrates the decline in favorable attitudes toward service in the Reserve and National Guard. While an assumption that support for and popularity of the US military is at one of the all time high points, the future is questionable with discontent

building regarding the length of the war and growing protests for leaving Iraq.

September 11, 2001 was a shocking awakening for the majority of the citizens of the US.

The nation was no longer untouchable and faced the same determined zealots that have plagued most of the world for years.

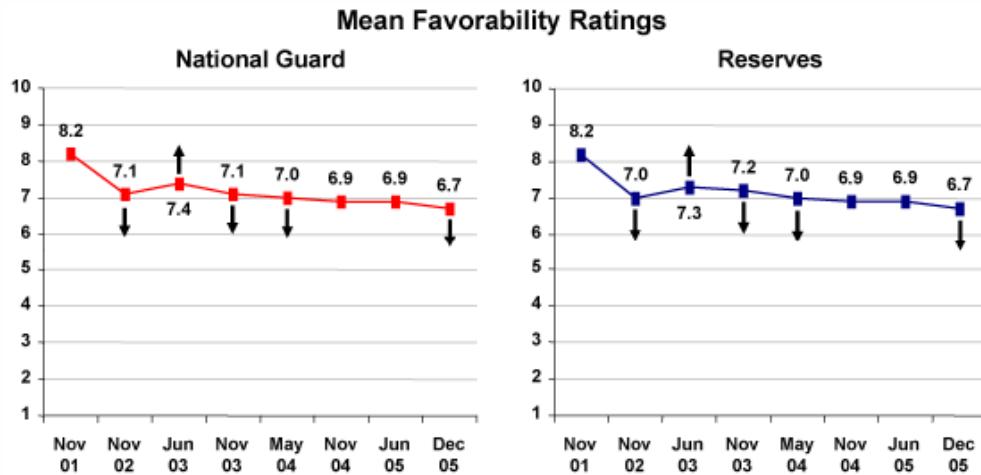


Figure 11 Favorability of Reserve Components

Note: Arrows indicate statistically significant change from previous poll.

Source: Joint Advertising, Market Research and Studies (JAMRS) December 2005 Youth Poll 10 Findings Presentation, slide 7 (available at www.dmren.org).

In the years since the attack, the public has seemingly drifted into another glaze of ignorance and unconsciousness. Americans complain at long lines and security checkpoints at airports and charge racial profiling. On October 21, 2008, the American Civil Liberties Union (ACLU) filed a Freedom of Information Act request regarding proactive efforts of Northern Command and DHS to prevent and respond to the next terrorist act or natural disaster. This investigation is in response to the creation of the Army's Consequence Management Response Force, which is a brigade size quick reaction force trained to respond to domestic homeland security events. The reliance of

states and local communities on the NG for natural disasters, civil assistance and border security are of primary concern. Communities, the welfare of our citizens and national security are at risk when NG units deploy. It has become apparent that both the DoD and the States have become increasingly dependent on NG forces to support both combat and civil missions.

Force Structure

States that have limited NG force structure are more severely impacted. For example, Nevada, which has only 2900 Army National Guard soldiers, can assist local communities less than a state like California, which has 21,000 Guard soldiers. Based upon the Guard reaching its recruiting goals in the last couple of years, unit strength may remain at C1 levels. C1, or the overall combat readiness of a unit, is measured as a function of personnel assigned and trained and equipment assigned and level of serviceability. Unit strength and the future force structure is partially predicated upon the Unit Status Report (USR) process, associated readiness reporting, and have an impact on response capability. The force structure is also affected by the current trend of cross-leveling which has left stateside non-deployed units with roughly 34% of their authorized war fighting equipment.

Domestic Missions

Proactive, ongoing missions such as OJS and national counterdrug support are forecast to continue. The homeland security missions conflict with the ability of the NG to train for and become efficient in their combat tasks. Since September 11, 2001, the ARNG has deployed 411,058 soldiers in support of domestic homeland security

missions. These missions include Olympic security, airport security, Noble Eagle, Guantanamo Bay, force protection, hurricane support, wild land firefighting, key asset protection and border security missions. This overwhelming mission load is in addition to the operational mission requirement and requires time and funding to accomplish. Recent events along the Arizona-Mexico border specifically near MCAS Yuma have prevented units from training in preparation for OIF and OEF deployments. The shortened ARFORGEN cycle, state mission support and competing missions has caused this delay in operational mission preparation. This combination has cost the American taxpayers hundreds of thousands of lost training dollars.

Recommendations

Increase Active Duty End Strength

Relief of the NG in the operational reserve role can be met through increased active duty end strength. During the 1990's active duty end strength fell from nearly 800,000 to 500,000 in a period which experienced large scale overseas combat missions. While ARNG end strength was 436,960 in 1990 it dropped to 366,750 in 1997³. The goal to grow the active Army to 512,000 by 2009 has been met, as the current end strength is 518,000 and the ARNG met its current target by reaching 353,000.⁴ In order to support the continued OPTEMPO the active end strength should be increased to 588,000 while maintaining the current NG figure. This increase is roughly the current number of deployed NG and Reserve soldiers in support of the GWOT yet 220,000 less than the level reached in the early 90's. The cost of this force is reasonable when

compared to the overall spending in the US, however, the implications for national security justify such an expenditure.

Relevant to increasing the end strength is the percentage of military spending as part of the US Gross National Product (GNP). Table 2 shows the decrease in defense spending as part of GNP since Vietnam. This is a reduction of 7.3 percent since Vietnam and included a 4.9 percent reduction through the defense buildup of the 1980's. While defense spending has increased due to the GWOT, the percentage of defense spending as part of the GNP continues to fall. Logically, this is due to increased US economic power and use of the GNP for expenditures other than defense.

Table 2. Decrease in Defense Spending as part of GNP⁵

Vietnam	1970's	1980's	1990's	Today
10.7%	5.9%	5.8%	4.1%	3.4%

Increasing the end strength has financial repercussions. “[General] Schoomaker, who came out of retirement to take the chief of staff job, said it costs about \$1.2 billion a year for every 10,000 people added to the Army.”⁶ The current estimate for the GNP is about \$14 trillion. Therefore, defense spending equates to roughly \$500 billion, GWOT expenditures notwithstanding. An increase of 70,000 soldiers results in a modest \$8.4 billion increase. This increase allows the continued support of the GWOT and relief of active, reserve and NG forces. The cost is worth bearing to provide for a secure nation at home and abroad. It also provides the NG with the opportunity to focus on domestic security missions and return to its role as the strategic reserve.

State Defense Force

As the NG continues to deploy as the operational reserve, a contingency organization could fill the gap. The State Guard Association of the United States Inc. (SGAUS) was created in 1985 and currently there are 22 formally established chapters throughout the US. Yet the State Guard is an evolution of the original militiamen and SGAUS bases its organizational makeup on the Constitutions definition of “a well regulated militia”. These chapters are supported by member dues and donations and filled by retired military officers and enlisted personnel. However, prior military service is not a requirement for membership, only a desire to assist in the cause. While this organization is currently independent and not affiliated with the federal or state government, SGAUS has assisted with domestic disasters in the absence of NG units. Following Hurricane Ike, the State Guard of Texas assisted with recovery efforts. “The Texas Military Forces, Coast Guard, police department, EMT services and federal agencies such as the Federal Emergency Management Agency all cohesively operated in service of Texas and its residents.”⁷ President Bush met with the Texas State Guard on September 1, 2008 and praised their efforts in response to Ike. The Presidents interest is clearly an indicator of the importance of these organizations in domestic disaster response.

The State Guard organizations provide a force capable of supporting natural and manmade disasters and potentially in support of law enforcement following terrorist events and civil unrest. In order to standardize and clearly define roles and capabilities, the state guard forces would be organized under the state’s Adjutant’s General. This organizational design will provide a standardized process for command and control,

training and implementation during crises. Federal and state funding authorizations will bolster participation and state guard capability, yet the preponderance of support will still come from dues and donations. These organizations have proven themselves reliable and capable in response to domestic emergencies when NG units are deployed overseas.

National Service

National service is necessary to support domestic homeland security and relief of deployed NG units. National service programs such as the Corporation for National and Community Service (CNCS) are models for this recommendation. The corporation is a public-private partnership created in 1993 encouraging civic involvement. Programs associated with CNCS are AmeriCorps and Senior Corps. CNCS guiding principles such as increased volunteerism, building character and cultivating a culture of citizenship and service are steps toward increased civic responsibility and involvement in domestic homeland security. National service would be met upon a one or two year commitment to civil service. This service includes police, fire and emergency medical service occupations, military service and government agencies and organizations like the United States Forest Service. Educational incentives like scholarships and grants enable high school graduates to pursue academic goals and national service area of choice.

A return to mandatory ROTC at land grant institutions also satisfies the two-year commitment to civil service. Students attending these institutions would be required to complete two years of basic military leadership, drill and tactics training. Financial incentives in the form of tuition grants, stipends and bonuses for continued military service promote this element of civic responsibility.

Organizations such as SGAUS and the Civil Air Patrol could provide opportunities to earn credit toward national service. Volunteers participating in these organizations for a prescribed period such as two years and then a reserve period of one or two years would meet the requirement for national service. During the reserve period, they could be called upon in the event of a major disaster.

Funding

To support the OPTEMPO as the operational reserve, the NG requires a larger budget. Increased funding must then coincide with increased authorizations for full time NG staffing. These increases divide the current overwhelming task saturation among a larger force capable of rotation in an ARFORGEN like format. However, spending levels in both OIF and OEF, while slightly declining are immense. “Based on DOD data, CRS estimates that average monthly obligations for the first 10 months of FY2008 were running about \$12.3 billion including \$9.9 billion for Iraq, \$2.4 billion for Afghanistan, and \$12 million for enhanced security.”⁸ Funding will provide the opportunity to hire Department of the Army Civilians (DAC) to fill shortages in critical areas. This measure should not be construed to mean that current full time jobs would be taken from existing guardsmen, but will supplement the current full time force. Positions in which DAC’s and Individual Ready Reserve soldiers are used would bring experience and stability to states in the absence of NG units frequently mobilized as an operational reserve.

The establishment of specialized Table of Distribution and Allowance (TDA) organizations to support domestic homeland security provides three benefits. First, this type of unit is non-deployable and provides a certain measure of stability. Second,

soldiers can be transferred to this unit to relieve deployment pressures and third, this unit would maintain equipment and personnel with application and skills linked to domestic homeland security tasks. This would require federal funding, as states do not have the capability to finance TDA units.

Reset Funding

NG units must be prioritized to meet the dual mission requirement. For example, NG units returned from combat missions with equipment that is critical to domestic homeland security missions must have priority in the reset process. At existing reset sites like Fort Campbell, Fort Stewart, Fort Lewis and others, NG equipment remains for months and in some cases for over a year. Guard equipment must be identified and contractor support focused to repair and release it as quickly as possible.

Funding of NG specific reset sites or teams would alleviate the backlog and promote the return of equipment to the states. These sites would include a centralized reset site in each state or at depots such as Aviation Classification and Repair Depots (AVCRAD). Unit manpower could be utilized in conjunction with contractor support to return equipment to a serviceable status and provide an outstanding training opportunity for soldiers. Fielding plans of equipment upgrades and new equipment must have an equal mix of active and NG distribution to avoid years of delay while units wait for new technology. As the reset process continues to improve and return serviceable equipment to the field as quickly as possible, guard equipment operational readiness (OR) rates will return to Department of the Army (DA) 70% level. Prior to and following mobilizations, units will be able to support the domestic homeland security mission

Communities and Force Structure

There must be a concerted effort to reduce the burden on units that are repeatedly deployed. States with large force structure must unfortunately take the lion's share of operational reserve mission support. While this may seem unfair, it is a matter of numbers of soldiers and response capability. The larger force structure states are also associated with states with large civil response capability and, therefore, the impact of deployments, while effecting individuals and communities, does not dramatically affect their response capability. The location and composition of forces also influences the deployment cycle. The overall organization and distribution of units should follow a logical and equitable fielding plan. This means that states should not have a monopoly of critical MOS's, which are needed on a routine basis. In other words, a nationwide load plan of MOS's will avoid concentrating units in a single state that are critical and always deployed. Additionally, states in coordination with the active army must avoid concurrent deployments of identical critical units during the deployment call-ups. In addition, agreements are necessary prior to rotation cycles between neighboring states, much like Emergency Management and Assistance Compacts (EMAC), which implement measures for backfill during unit absences. These agreements facilitate on site temporary duty (TDY) or temporary change of station (TCS) soldiers and equipment from neighboring states to the deployed state for the duration of the deployment.

Conclusion

Although the events of September 11, 2001 brought to light the necessity for increased vigilance toward domestic homeland security, the military, both Active,

Reserve and National Guard forces have been involved in protecting the homeland and recovering from disasters for centuries. While the preponderance of evidence suggests a concerted effort of all elements of military national power toward domestic homeland security, the role of National Guard expertise in civil military operations has been misunderstood. The Guard has become much more of an integral part of the DoD National Military Strategy. The paradigm shift from the NG as a constitutionally established strategic reserve to an operation reserve raises concerns for the domestic mission and the longevity of the force. As the operational reserve, the Guard must contend with training for combat, contingencies and still be available for state missions when called. It is important to remember that the mission to protect our national security and citizens cannot be underestimated nor be too shortsighted and blind to the effects of a protracted overseas conflict that is wearing down the soldiers and equipment of the NG.

¹ Commission on the National Guard and Reserves, *Second Report to Congress*, Government Printing Office, Washington D.C., March 2007, 23.

² Doubler, Michael D., *I am the Guard: A history of the Army National Guard, 1636-2000*, U.S. Government Printing Office, Washington D.C., 370.

³ Defense Budget: Trends in Reserve Components' Military Personnel Compensation Accounts for 1990-97 (Letter Report, 09/19/96, GAO/NSIAD-96-226). General Accounting Office Report, 1996.

⁴ 2008 Army Posture Statement, Government Printing Office, Washington D.C., 2008, 4.

⁵ Defense Spending Continues to Decline
<http://www.strategypage.com/htmw/htproc/articles/20080613.aspx>, website accessed 18 November 2008.

⁶ Garamone, Jim, American Forces Press Service Army Chief 'Adamantly Opposes' Added End Strength

<http://www.defenselink.mil/news/newsarticle.aspx?id=27423> website accessed 18 November 2008.

⁷ Griego, Daniel 100th Mobile Public Affairs Detachment, Texans Make it Through The Storm; After Hurricane Ike, *The Dispatch*, October 2008, 5.

⁸ Belasco, Amy, Specialist in U.S. Defense Policy and Budget Foreign Affairs, Defense, and Trade Division, CRS Report for Congress, *The Cost of Iraq, Afghanistan, and Other Global War on Terror Operations Since 9/11*, October 2008, CRS-16.

GLOSSARY

Active duty for special work [JP 1-02] (DoD) A tour of active duty for Reserve personnel authorized from military and reserve personnel appropriations for work on Active or Reserve Component programs. This includes annual screening, training camp operations, training ship operations, and unit conversion to new weapon systems when such duties are essential. Active duty for special work may also be authorized to support study groups, training sites and exercises, short-term projects, and doing administrative or support functions. By policy, active duty for special work tours are normally limited to 139 days or less in one fiscal year. Tours exceeding 180 days are accountable against active duty end strength

Operating tempo (OPTEMPO). [TR 350-70] The annual operating miles/hours for systems in a particular unit required to execute the commander's training strategy. It is stated in terms of the miles/hours for the major system in a unit; however, all equipment generating significant operating and support cost has an established operating tempo.

Narco-terrorism. [JP 1-02] (DoD) Terrorism conducted to further the aims of drug traffickers. It may include assassinations, extortion, hijackings, bombings, and kidnappings directed against judges, prosecutors, elected officials, or law enforcement agents, and general disruption of a legitimate government to divert attention from drug operations.

Active Guard and Reserve (AGR). [JP 1-02](DoD) National Guard and Reserve members who are on voluntary active duty providing full-time support to National Guard, Reserve, and Active Component organizations for the purpose of organizing, administering, recruiting, instructing, or training the Reserve Components.

APPENDIX A

FIGURES

Training and Readiness Strategy

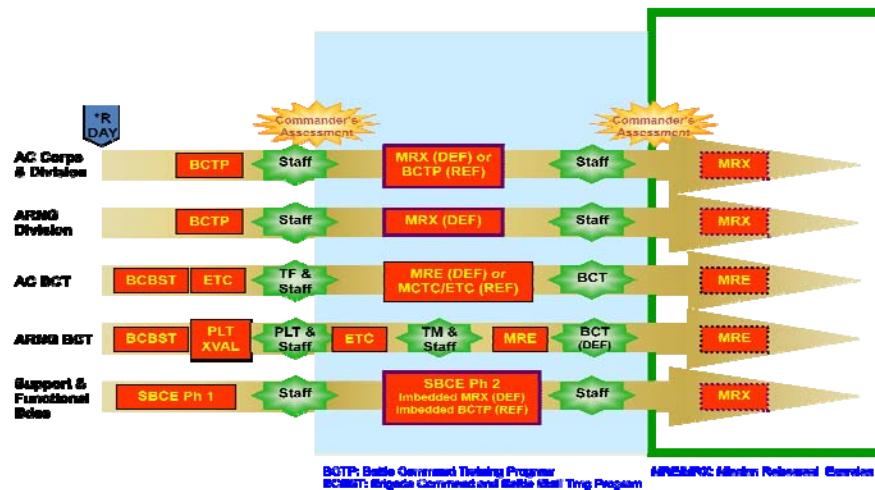


Figure 12 ARFORGEN Training And Readiness Cycle

Source: F100 Managing Army Change, F107 Slide presentation, US Army Command and General Staff College, Fort Leavenworth, KS, April 2008, slide 20.

ARNG Operational Commitments

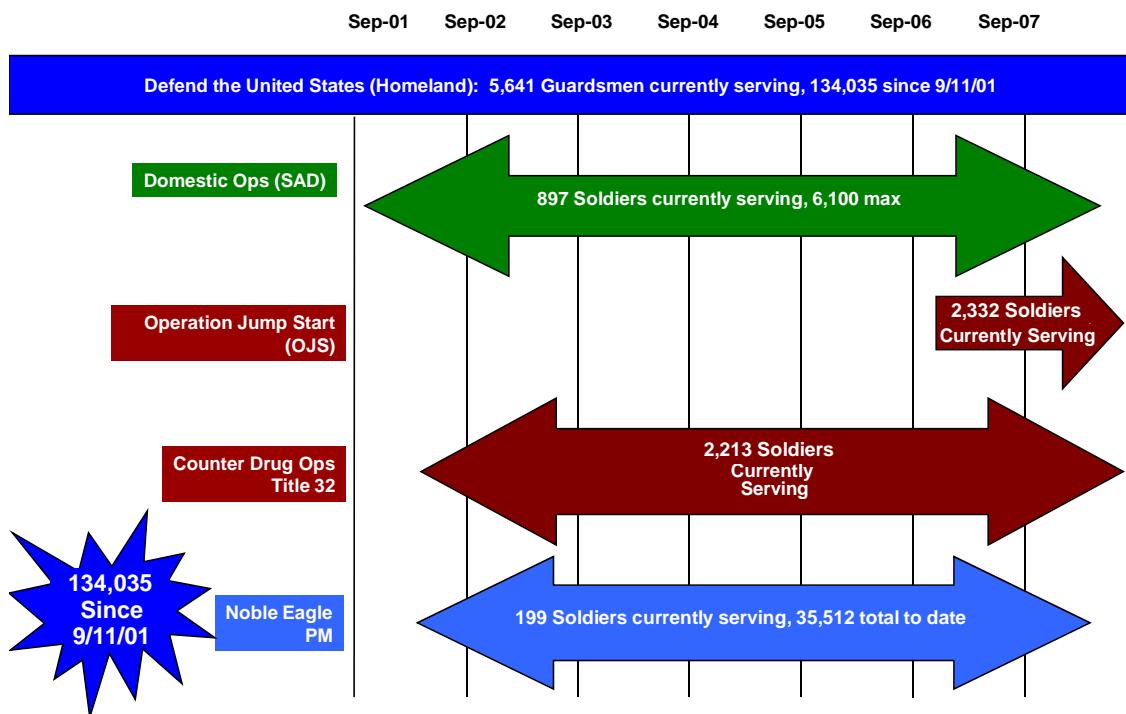


Figure 13 ARNG Domestic Commitments September 11, 2001

Source: Sessano L, Operational Commitments Briefing, Oct 2008 slide 1.

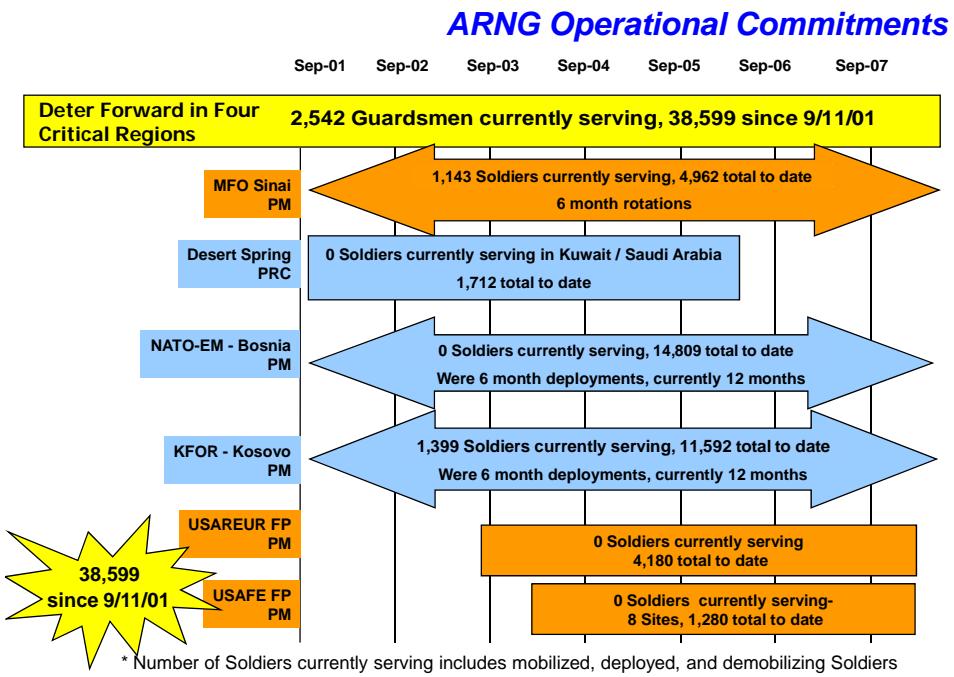


Figure 14 ARNG Operational Peacekeeping Commitments September 11, 2001
 Source: Sessano L, Operational Commitments Briefing, Oct 2008 slide 2.

ARNG Operational Commitments

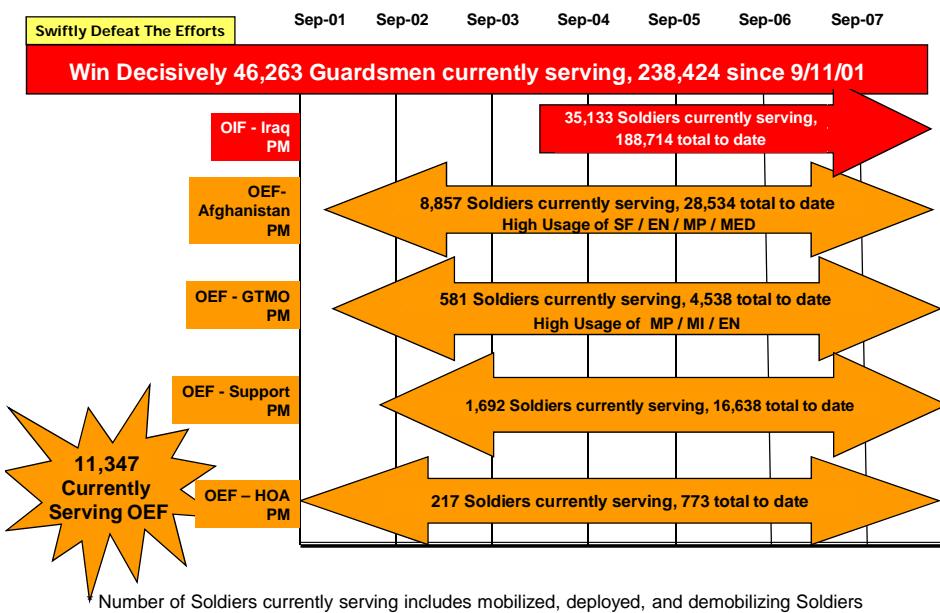


Figure 15 ARNG Operational Combat Commitments September 11, 2001
Source: Sessano L, Operational Commitments Briefing, Oct 2008 slide 3.

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